

Question

In Texas, if a party is not provided with notice of the right to a de novo hearing, and one of the parties revokes consent to an agreed associate judge's report, which is then rendered as temporary orders, is this valid?

Answer (Texas)

Short response

No, in Texas, if a party is not provided with notice of the right to a de novo hearing and a party revokes consent to an agreed associate judge's report before it is rendered as temporary orders, those orders are not valid. Both the lack of required notice and the revocation of consent undermine the validity of the temporary orders under Texas law.

Summary

Texas law requires that all parties receive notice of the right to request a de novo hearing before the referring court when an associate judge issues a report or temporary order. If a party is not given this notice, and especially if a party revokes consent to an agreed report before it is rendered as a court order, the resulting temporary orders are subject to being declared invalid.

The statutory framework and case law make clear that notice of the right to a de novo hearing is a fundamental procedural safeguard, and that a court cannot render a valid agreed judgment if consent has been revoked prior to rendition. The combination of these two procedural failures—lack of notice and revoked consent—means that any temporary orders rendered in such circumstances do not comply with Texas law and are not valid.

Background and Relevant Law

Legislative Framework

The Texas Family Code and Texas Government Code set out detailed procedures for the use of associate judges in family law and related civil proceedings. Several statutory provisions are directly relevant:

Notice of Right to De Novo Hearing: Texas law mandates that all parties must be given notice of the right to a de novo hearing before the referring court when an associate judge issues a report or temporary order. This requirement is found in multiple statutes, including Tex. Fam. Code §§ 201.012, 201.011, 201.314, and Tex. Gov't Code § 54A.112. The notice can be given orally in open court, by posting, or as otherwise directed by the court, but it must be provided to all parties ([Tex. Fam. Code § 201.012](#); Tex. Gov't Code § 54A.112).

Right to Request De Novo Hearing: A party may request a de novo hearing before the referring court by filing a written request within a specified period (usually three working days for family law matters, seven for some civil matters) after receiving notice of the associate judge's report or the rendering of a temporary order ([Tex. Fam. Code § 201.015](#); Tex. Gov't Code § 54A.115).

Effect of Failure to Request or Waiver: If no timely request for a de novo hearing is filed, or if the right is waived, the associate judge's proposed order becomes the order of the referring court by operation of law ([Tex. Fam. Code § 201.014](#); [Tex. Fam. Code § 201.1041](#); [Tex. Fam. Code § 201.2041](#)).

Requirement of Consent for Agreed Judgments: The Family Code allows an associate judge to render and sign agreed orders, but only if all parties consent in writing as to both form and substance ([Tex. Fam. Code § 201.007](#)). If consent is revoked before the order is rendered, the court cannot validly render the agreed judgment.

Case Law

Texas appellate courts have repeatedly emphasized the importance of both notice and consent in the context of associate judge proceedings:

Notice as a Prerequisite to De Novo Hearing: Courts have held that the right to a de novo hearing is triggered by notice of the associate judge's report or temporary order. If a party is not provided with this notice, the time to request a de novo hearing does not begin to run, and the validity of any resulting orders is questionable ([In re Harris](#), No. 01-23-00000-CV, 2024; [In re A.C.](#), No. 03-23-00000-CV, 2023; [In re J.M.C.](#), No. 08-21-00000-CV, 2021; M.J.M. v. Tex. Dep't of Family & Protective Servs., No. 03-19-00336-CV, 2019).

Mandatory Nature of De Novo Hearing: If a party timely requests a de novo hearing, the referring court must hold one. Failure to do so is presumed harmful and is grounds for reversal ([In re M.F.](#), No. 07-17-00407-CV, 2018; [Phagan v. Aleman](#), 29 S.W.3d 632, 2000).

Revocation of Consent: Texas courts have consistently held that an agreed judgment rendered after a party revokes consent is void. Consent must exist at the time the judgment is rendered, and if the court is aware that a party does not consent, it cannot validly render the agreed judgment ([In re E.B.](#), No. 12-17-00214-CV, 2017; [Padilla v. LaFrance](#), 907 S.W.2d 454, 1995; [Quintero v. Jim Walter Homes, Inc.](#), 654 S.W.2d 442, 1983).

Effect of Lack of Notice: The absence of notice of the right to a de novo hearing deprives a party of a fundamental procedural right, and any orders rendered without affording this right are subject to being set aside ([Peacock v. Humble](#), 933 S.W.2d 341, 1996).

Analysis

1. Statutory Requirements for Notice and De Novo Hearing

The Texas Family Code and Government Code are explicit: all parties must be given notice of the right to a de novo hearing when an associate judge issues a report or temporary order. This notice is not a mere formality; it is a statutory prerequisite for the validity of the process ([Tex. Fam. Code § 201.012](#); Tex. Gov't Code § 54A.112). The right to request a de novo hearing is triggered only upon receipt of this notice, and the time to request such a hearing does not begin to run until notice is given ([In re Harris](#), No. 01-23-00000-CV, 2024; [In re A.C.](#), No. 03-23-00000-CV, 2023).

If a party is not provided with notice, they are deprived of the opportunity to challenge the associate judge's report before the referring court. This is a significant procedural defect, as the right to a de novo hearing is a fundamental safeguard against erroneous or unjust associate judge rulings ([In re J.M.C.](#), No. 08-21-00000-CV, 2021; M.J.M. v. Tex. Dep't of Family & Protective Servs., No. 03-19-00336-CV, 2019).

2. Effect of Revocation of Consent

The law is equally clear that an agreed judgment cannot be rendered if a party revokes consent before the judgment is rendered. The Texas Supreme Court and courts of appeals have repeatedly held that consent must exist at the time the judgment is rendered, and any judgment rendered after consent is revoked is void ([In re E.B.](#), No. 12-17-00214-CV, 2017; Padilla v. LaFrance, 907 S.W.2d 454, 1995; Quintero v. Jim Walter Homes, Inc., 654 S.W.2d 442, 1983). This principle applies equally to agreed associate judge's reports: if a party revokes consent before the report is rendered as a temporary order, the court cannot validly render the order as an agreed judgment.

3. Rendering of Temporary Orders Without Notice or Consent

If an associate judge's report is rendered as temporary orders without providing notice of the right to a de novo hearing, and after a party has revoked consent, the resulting orders are doubly defective:

Lack of Notice: The statutory framework requires notice as a condition precedent to the validity of the process. Without notice, the party's right to challenge the associate judge's report is denied, and the time to request a de novo hearing does not begin to run ([Tex. Fam. Code § 201.015](#); [In re Harris](#), No. 01-23-00000-CV, 2024).

Revocation of Consent: If consent is revoked before the order is rendered, the court cannot validly render the agreed judgment. Any order rendered under these circumstances is void ([In re E.B.](#), No. 12-17-00214-CV, 2017).

Combined Effect: The combination of these two defects—lack of notice and revoked consent—means that the temporary orders are not valid under Texas law.

4. Judicial Action on Associate Judge's Proposed Orders

The referring court may adopt, modify, or reject an associate judge's proposed order unless a party files a timely request for a de novo hearing ([Tex. Fam. Code § 201.014](#)). However, this presumes that the parties have been given notice of their right to request such a hearing. If notice is not given, the process is not complete, and the referring court's action is not valid.

Furthermore, if the right to a de novo hearing is not timely exercised or is waived, the associate judge's proposed order becomes the order of the referring court by operation of law ([Tex. Fam. Code § 201.1041](#); [Tex. Fam. Code § 201.2041](#)). But waiver must be knowing and voluntary, and cannot occur if the party was not given notice of the right in the first place ([Tex. Fam. Code § 201.314](#)).

5. Appellate Review

Even if a party fails to request a de novo hearing or waives the right, they still retain the right to appeal or seek other relief from higher courts ([Tex. Fam. Code § 201.016](#); [In re Eaton](#), No. 02-14-00239-CV, 2014). However, this does not cure the underlying procedural defect of failing to provide notice or rendering an order after consent has been revoked.

Exceptions and Caveats

Waiver of De Novo Hearing: If a party knowingly and voluntarily waives the right to a de novo hearing, either in writing or on the record before the hearing begins, the associate judge's report may become the order of the referring court ([Tex. Fam. Code § 201.314](#); Tex. Gov't Code § 54A.112). However, waiver is not possible if the party was not given notice of the right in the first place.

Orders Not Based on Consent: If the associate judge's report is not an agreed order, but rather a contested ruling, the issue of consent is not directly relevant. However, the requirement of notice of the right to a de novo hearing still applies.

Temporary Orders as Orders of the Referring Court: Temporary orders signed by an associate judge are considered orders of the referring court ([Tex. Fam. Code § 201.007](#); [In re Eaton](#), No. 02-14-00239-CV, 2014). However, this does not override the requirement for notice or the need for consent in agreed judgments.

Conclusion

In summary, Texas law is clear that both notice of the right to a de novo hearing and the continued consent of all parties are essential prerequisites for the validity of temporary orders rendered from an agreed associate judge's report. If a party is not provided with notice of the right to a de novo hearing, the statutory process is not satisfied, and the party is deprived of a fundamental procedural right. If a party revokes consent before the order is rendered, the court cannot validly render the agreed judgment. The combination of these two defects renders any temporary orders issued under such circumstances invalid. The statutory and case law authorities provided uniformly support this conclusion.

Legal Authorities

[In re Eaton, NO. 02-14-00239-CV \(Tex. App. Sep 25, 2014\)](#)

Texas Court of Appeals

Extract

First, the family code clearly provides that the failure to seek de novo review before the referring court 'does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.' Tex. Fam. Code Ann. § 201.016(a) (West 2014); see also In re S.G.S., 53 S.W.3d 848, 852 (Tex. App.—Fort Worth 2001, no pet.) (holding failure to seek de novo review of associate judge's denial of motion to transfer venue did not preclude appeal). Second, Danny does not challenge the associate judge's report but rather the referring court's temporary orders requiring payment of spousal support and attorney's fees. Although signed by the associate judge, the temporary orders constituted an order of the referring court. See Tex. Fam. Code Ann. § 201.007(c) (providing associate judge's temporary orders are construed to be orders of referring court).

Summary

Even if a party does not seek a de novo review of an associate judge's report, it does not preclude them from appealing or seeking other relief from higher courts. Additionally, temporary orders signed by an associate judge are considered orders of the referring court. This suggests that the validity of the temporary orders is not necessarily compromised by the lack of notice of the right to a de novo hearing, as the orders are still subject to appeal or other relief.

[Gerke v. Kantara, 492 S.W.3d 791 \(Tex. App. 2016\)](#)

Texas Court of Appeals

Extract

The powers of an associate judge are enumerated in the Family Code and they include the power to "recommend an order to be rendered in a case." Tex. Fam. Code Ann. § 201.007(a)(10) (emphasis added). Thus, an associate judge has the authority to "recommend" to the referring court that an order executed by the associate judge be "rendered" by the referring court and become a pronouncement, or final order, of that court. The associate judge's proposed order may be adopted, modified, or rejected or sent back to the associate judge by the referring court. Id. § 201.014(a). Such a proposed order becomes final and appealable from the date it is signed by the judge of the referring court, and not before. See id. § 201.016(b). This is specifically required when, as here, the parties have waived a de novo hearing before the referring court. Id. § 201.013(b) (stating that when parties waive de novo hearing before referring court, "the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.") (emphasis added). There is no evidence in this record that the referring judge signed the proposed order of the associate judge.

Summary

An associate judge in Texas can recommend an order to the referring court, but it only becomes final and appealable once the referring court signs it. If a party revokes consent to an agreed associate judge's report, the referring court must still sign the order for it to be valid. The passage also highlights that the waiver of a de novo hearing does not automatically make the associate judge's order final without the referring court's signature.

[In re E.B., NO. 12-17-00214-CV \(Tex. App. Oct 18, 2017\)](#)

Texas Court of Appeals

Extract

An agreed judgment rendered after one of the parties revokes his consent is void. See Leal, 892 S.W.2d at 857; Padilla v. LaFrance, 907 S.W.2d 454, 461 (Tex. 1995) ('court cannot render a valid agreed judgment absent consent at the time it is rendered'); Quintero v. Jim Walter Homes, Inc., 654 S.W.2d 442, 444 (Tex. 1983) (holding that when trial court has knowledge that party does not consent to judgment, trial court should refuse to sanction agreement by making it the judgment of the court).

Summary

The passage from "In re E.B." indicates that if a party revokes consent to an agreement before a judgment is rendered, any judgment based on that agreement is void. This principle is supported by multiple cases cited in the passage, establishing that a court cannot render a valid judgment without consent at the time of rendering. Therefore, if a party revokes consent to an agreed associate judge's report before it is rendered as temporary orders, those orders would be invalid.

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

Texas Supreme Court

Extract

Referral is not binding on the parties, so if either party timely objects, the referring court 'shall hear the trial on the merits or preside at a jury trial.' Barring an objection, however, the associate judge may determine the merits in either a bench or a jury trial, subject to the parties' post-trial right to request a 'de novo hearing' before the referring court within thirty days.

Summary

Parties have a right to request a de novo hearing before the referring court within thirty days after an associate judge's decision. This implies that if a party is not informed of this right, it could affect the validity of the associate judge's report being rendered as temporary orders, especially if a party revokes consent.

[In re E.O., NO. 01-19-00207-CV, NO. 01-19-00371-CV \(Tex. App. Aug 27, 2019\)](#)

Texas Court of Appeals

Extract

A trial court may refer to an associate judge 'any aspect of a suit over which the court has jurisdiction' under the Family Code. TEX. FAM. CODE § 201.005(a). When a matter is referred to an associate judge, the associate judge may, among other things, conduct a hearing, hear evidence, make findings of fact, and recommend an order to be rendered. Id. § 201.007. When an associate judge makes a recommendation or temporary order, any party may request a 'de novo hearing before the referring court,' specifying the issues that will be presented to the referring court. Id. § 201.015(a), (b). The de novo hearing is mandatory when properly requested.

Summary

When an associate judge makes a recommendation or temporary order, any party has the right to request a de novo hearing before the referring court. This hearing is mandatory if properly requested. The passage does not explicitly address the issue of notice, but it implies that the right to a de novo hearing is fundamental when requested. If a party is not provided notice of this right, it could potentially invalidate the temporary orders if the right to a de novo hearing is not waived or properly addressed.

[Peacock v. Humble, 933 S.W.2d 341 \(Tex. App. 1996\)](#)

Texas Court of Appeals

Extract

The Texas Family Code provides that, after a hearing, an associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report. Tex. Fam.Code Ann. § 201.011(b) (West 1996). Notice of the substance of an associate judge's report may be given by the associate judge to the parties in open court by an oral statement. Tex. Fam.Code Ann. § 201.011(c) (West 1996). A party may appeal an associate judge's report by filing a written notice of appeal to the referring district court not later than the third day after the date the party receives notice of the substance of the associate judge's report as provided by Section 201.011. Tex. Fam.Code Ann. § 201.015(a) (West 1996).

Summary

Parties must be provided with notice of the substance of an associate judge's report, and they have the right to appeal by filing a written notice within three days. This suggests that if a party is not provided with notice, the validity of the temporary orders could be questioned, as the right to appeal is contingent upon receiving notice.

[In re H.M.G.](#)

Texas Court of Appeals

Extract

On appeal, father and the OAG agree that the trial court erred in denying the de novo hearing because section 201.015(f) is not jurisdictional. The purpose of section 201.015(f) is to require the prompt resolution of appeals from an associate judge's ruling. Harrell v. Harrell, 986 S.W.2d 629, 631 (Tex. App.-El Paso 1998, no pet.) Failure to convene a de novo hearing prior to the 30-day limit is not jurisdictional because section 201.015(f) is a procedural requirement for the trial court, not the parties.

Summary

The failure to convene a de novo hearing within the 30-day limit is not jurisdictional, meaning it does not affect the court's power to hear the case. However, it is a procedural requirement for the trial court. If a party is not provided with notice of the right to a de novo hearing, and the trial court fails to hold such a hearing, it could result in an improper judgment. The passage suggests that the trial court's denial of a de novo hearing when requested is an error that could necessitate reversal.

[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). That hearing occurs before the trial court referring the matter to the associate judge. Id. § 201.015(a). More importantly, nothing in § 201.015 of the Family Code suggests that a request for a de novo hearing is subject to the approval of the court that would conduct the new hearing.

Summary

The passage from the "In re Newmexico" case provides insight into the statutory provisions under Texas Family Code § 201.015, which allows a party to request a de novo hearing from findings rendered by an associate judge. The statute specifies that the request must be made within three working days after receiving notice of the associate judge's report or the rendering of the temporary order. The passage also clarifies that the request for a de novo hearing is not subject to the approval of the court that would conduct the new hearing. This suggests that if a party is not provided with notice of the right to a de novo hearing, it could potentially affect the validity of the temporary orders rendered based on the associate judge's report.

[In re M.F., No. 07-17-00407-CV \(Tex. App. Mar 12, 2018\)](#)

Texas Court of Appeals

Extract

*A party who timely requests a de novo hearing before the referring court is entitled to a hearing. In re Talley, No. 07-15-00198-CV, 2015 Tex. App. LEXIS 6268, at *4 (Tex. App.—Amarillo June 22, 2015, orig. proceeding) (mem. op.); see TEX. FAM. CODE ANN. § 201.015 (West Supp. 2017). 'The referring court's failure to hold a de novo hearing after a notice of appeal is timely filed is mandatory and presumed harmful.' In re Talley, 2015 Tex. App. LEXIS 6268, at *4; Phagan v. Aleman, 29 S.W.3d 632, 635 (Tex. App.—Houston [1st Dist.] 2000, no pet.) (op. on reh'g).*

Summary

If a party requests a de novo hearing in a timely manner, they are entitled to such a hearing. The failure of the referring court to hold a de novo hearing after a timely request is considered mandatory and presumed harmful. This suggests that if a party was not provided notice of the right to a de novo hearing, and they did not have the opportunity to request one, any orders rendered without this opportunity may not be valid.

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

Texas Court of Appeals

Extract

A party who timely appeals the associate judge's report is entitled to a de novo hearing before the referring court. ... 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. ... Their request clearly specified which findings and conclusions of the associate judge that Mother and Father objected to. ... Therefore, Mother and Father argue that they were entitled to a de novo hearing before the referring court. We agree.

Summary

In Texas, a party who timely appeals an associate judge's report is entitled to a de novo hearing before the referring court. The case demonstrates that if a party specifies the issues they object to in the associate judge's report, they are entitled to a de novo hearing. This suggests that if a party is not provided notice of the right to a de novo hearing, and they revoke consent to an agreed associate judge's report, the validity of rendering it as temporary orders could be challenged, as the right to a de novo hearing is a procedural entitlement.

[In re Harris](#)

Texas Court of Appeals

Extract

When an associate judge makes a recommendation or temporary order, any party may request a de novo hearing before the referring court by filing with the clerk 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 report, whether in open court, by an oral statement, or from a copy of the associate judge's written report, including any proposed order. Tex. Fam. Code §§ 201.001(c)(1), .015(a)-(b). If a party properly and timely requests a de novo hearing, the trial court must hold a de novo hearing within thirty days. Id. § 201.015(f) (providing that 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' (emphasis added)).

Summary

Procedure for requesting a de novo hearing when an associate judge makes a recommendation or temporary order. It specifies that a party must be notified of the associate judge's report and has the right to request a de novo hearing within three working days of receiving notice. The trial court is then required to hold the de novo hearing within thirty days of the request. This implies that if a party is not provided with notice of the right to a de novo hearing, the process may be invalid, as the party is deprived of the opportunity to request such a hearing.

In re A.C.

Texas Court of Appeals

Extract

The Texas Family Code allows a judge to refer certain matters, including a suit affecting the parent-child relationship, to an associate judge for a ruling. Tex. Fam. Code Ann. § 201.005(a) (West 2023). The associate judge must issue a proposed order or judgment containing the associate judge's findings, conclusions, or recommendations. Id. § 201.011(a) (West 2023). 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.

Summary

Procedural requirements under the Texas Family Code for requesting a de novo hearing after an associate judge's ruling. It specifies that a party must file a written request for a de novo hearing within three days of receiving notice of the associate judge's order. If such a request is properly made, the de novo hearing is mandatory. This indicates that if a party is not provided with notice of the right to a de novo hearing, and the procedural requirements are not followed, the validity of the temporary orders rendered based on the associate judge's report could be challenged.

[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 associate judge then addressed counsel for each parent, relieving the attorneys of their respective court-appointed duties 'except in the event of an appeal or a de novo [hearing], of which you both are aware of your time requirements'—a reference to the review authorized by Section 201.015 of the Family Code. That Section provides, '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 report. . .' See id. § 201.015(a).

Summary

A party must be aware of their right to request a de novo hearing and the time requirements associated with it. Section 201.015(a) of the Texas Family Code specifies that a party may request a de novo hearing by filing a written request within three working days after receiving notice of the associate judge's report. This implies that proper notice of the right to a de novo hearing is crucial for the validity of the process. If a party is not provided with such notice, it could potentially invalidate the temporary orders rendered based on the associate judge's report, especially if a party revokes consent.

[Alwazzan v. Alwazzan, NO. 01-16-00589-CV \(Tex. App. Mar 26, 2020\)](#)

Texas Court of Appeals

Extract

Here, the parties agreed on the record in open court at the end of the trial before the Harris County associate judge to waive a de novo hearing before the referring court. The associate judge adjudicated all issues in the case but erroneously informed the parties that only the referring court could grant the divorce by signing the decree. The associate judge subsequently signed and filed his final report on December 21, 2012. Under Family Code section 201.007(e), that final report constituted a final order of the referring court. See TEX. FAM. CODE ANN. § 201.007(e) ('An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) [providing that an associate judge may sign a final order that includes a waiver of the right to a de novo appeal to the referring court] is a final order rendered as of the date the order was signed.').

Summary

If parties agree on the record to waive a de novo hearing, the associate judge's report can be considered a final order. However, the passage does not directly address the situation where a party revokes consent after the associate judge's report is rendered as temporary orders. The passage does highlight the importance of the waiver being on record and the associate judge's authority to sign final orders, which may imply that revocation of consent after the fact could be problematic if the waiver was properly recorded.

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

Texas Court of Appeals

Extract

As relevant here, the Legislature permits judges in civil proceedings to refer certain cases to associate judges for disposition of a variety of matters, including trials on the merits. See In re A.L.M.-F., 593 S.W.3d 271, 273 n.1 (Tex. 2019). Specifically, Section 201.015 of the Family Code applies to associate-judge referrals in child-protection cases. Id. at 276 (citing Tex.Fam.Code Ann. § 201.015). Barring an objection, 'the associate judge may determine the merits in either a bench or a jury trial, subject to the parties' post-trial right to [timely] request a 'de novo hearing' before the referring court.' Id. at 273-74. 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)).

Summary

In Texas, when a case is referred to an associate judge, parties have the right to request a de novo hearing before the referring court within three working days after receiving notice of the associate judge's ruling. This suggests that if a party is not provided with notice of this right, it could potentially invalidate the temporary orders if the party was not given the opportunity to request a de novo hearing.

[Harrell v. Harrell, 986 S.W.2d 629 \(Tex. App. 1998\)](#)

Texas Court of Appeals

Extract

A party who timely appeals from the report of a family court master is entitled to a hearing de novo before the referring court. State of Texas ex rel. Latty v. Owens, 907 S.W.2d 484, 484 (Tex. 1995); Santikos v. Santikos, 920 S.W.2d 731, 733-34 (Tex.App.--Houston [1st Dist.] 1996, writ denied).

Summary

A party who timely appeals an associate judge's report is entitled to a de novo hearing before the referring court. This suggests that if a party is not provided notice of this right, it could affect the validity of the temporary orders rendered from the associate judge's report, especially if consent is revoked.

[Phagan v Aleman, 29 S.W.3d 632 \(Tex. App. 2000\)](#)

Texas Court of Appeals

Extract

The Texas Family Code authorizes trial judges to refer certain family law matters to either associate judges or to child support masters. ... Any party may appeal the recommendation of a child support master by filing a notice of appeal with the trial judge within three days of receiving notice of the recommendation. ... Once the notice of appeal is filed, the trial judge must conduct a hearing de novo addressing the issues raised. ... The Family Code's requirement that a trial judge hold a hearing de novo, when a timely notice of appeal is filed, is mandatory. ... The failure to hold such a hearing is presumed harmful.

Summary

The passage from Phagan v Aleman discusses the mandatory nature of holding a de novo hearing when a notice of appeal is filed against a child support master's recommendation. The failure to hold such a hearing is considered harmful. This implies that if a party is not provided notice of the right to a de novo hearing, and the trial judge does not conduct one, the orders rendered may not be valid.

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

Extract

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 seventh working day after the date the party receives notice of the substance of the associate judge's decision as provided by Section GOVERNMENT CODE 54A.111.

Summary

A party has the right to request a de novo hearing before the referring court within seven working days after receiving notice of the associate judge's decision. This implies that notice of the right to a de novo hearing is crucial for a party to exercise this right. If a party is not provided with such notice, it could potentially invalidate the process, as the party would be deprived of the opportunity to request a de novo hearing.

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

Extract

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 report as provided by Section FAMILY CODE 201.313.

Summary

A party has the right to request a de novo hearing before the referring court within a specific timeframe after receiving notice of the associate judge's report. This implies that notice of the right to a de novo hearing is a critical component of the process. If a party is not provided with such notice, it could potentially invalidate the subsequent proceedings, including the rendering of temporary orders, as the party was not given the opportunity to exercise their right to a de novo hearing.

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

Extract

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 report as provided by Section FAMILY CODE 201.011; or the rendering of the temporary order, if the request concerns a temporary order rendered by an associate judge under Section FAMILY CODE 201.007(a)(C).

Summary

A party has the right to request a de novo hearing before the referring court if they file a written request within three working days after receiving notice of the associate judge's report or the rendering of a temporary order. This implies that notice of the right to a de novo hearing is crucial for a party to exercise this right. If a party is not provided with such notice, it could potentially invalidate the temporary orders rendered, as the party was not given the opportunity to request a de novo hearing.

[Tex. Gov't. Code § 54A.112 Tex. Gov't. Code § 54A.112 Notice of Right to De Novo Hearing; Waiver](#)

Extract

Notice of the right to a de novo hearing before the referring court shall be given to all parties. The notice may be given: by oral statement in open court; by posting inside or outside the courtroom of the referring court; or as otherwise directed by the referring court. Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring court in writing or on the record.

Summary

The passage mandates that notice of the right to a de novo hearing must be given to all parties involved. This notice can be provided in several ways, including orally in open court, by posting in or around the courtroom, or as directed by the court. Additionally, a party may waive this right before the start of a hearing by an associate judge, either in writing or on the record. The requirement for notice is crucial because it ensures that parties are aware of their right to challenge the associate judge's report before the referring court. If a party is not provided with this notice, it could potentially invalidate the temporary orders rendered based on the associate judge's report, especially if a party revokes consent.

[Tex. Fam. Code § 201.314 Tex. Fam. Code § 201.314 Notice of Right to De Novo Hearing; Waiver](#)

Extract

An associate judge shall give all parties notice of the right to a de novo hearing to the judge of the referring court. The notice may be given: by oral statement in open court; by posting inside or outside the courtroom of the referring court; or as otherwise directed by the referring court. Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring court in writing or on the record.

Summary

The passage mandates that an associate judge must provide all parties with notice of the right to a de novo hearing. This notice can be given in several ways, including orally in open court, by posting, or as directed by the referring court. Additionally, a party may waive this right before the hearing begins, either in writing or on the record. The requirement for notice is crucial because it ensures that parties are aware of their right to request a de novo hearing before the referring court. If a party is not provided with this notice, it could potentially invalidate the temporary orders rendered based on the associate judge's report, especially if a party revokes consent.

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

Extract

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 seventh working day after the date the party receives notice of the substance of the associate judge's report as provided by Section GOVERNMENT CODE 54A.212.

Summary

A party has the right to request a de novo hearing before the referring court within seven working days after receiving notice of the associate judge's report. This implies that proper notice of the right to a de novo hearing is crucial for the validity of the process. If a party is not provided with such notice, it could potentially invalidate the temporary orders rendered based on the associate judge's report, especially if a party revokes consent.

[Tex. Fam. Code § 201.012 Tex. Fam. Code § 201.012 Notice of Right to De Novo Hearing Before Referring Court](#)

Extract

Notice of the right to a de novo hearing before the referring court shall be given to all parties.

Summary

The Texas Family Code mandates that notice of the right to a de novo hearing must be given to all parties involved. This requirement is applicable to all cases under the jurisdiction of associate judges in Texas family law. If a party is not provided with this notice, it could potentially invalidate the temporary orders rendered based on the associate judge's report, especially if a party revokes consent.

[Tex. Fam. Code § 201.313 Tex. Fam. Code § 201.313 Report](#)

Extract

After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

Summary

After a hearing, the associate judge is required to provide notice of the substance of the report, including any proposed order, to the parties involved. This suggests that proper notice is a necessary step in the process. If a party is not provided with notice, it could potentially affect the validity of the orders rendered based on the associate judge's report.

[Tex. Fam. Code § 201.011 Tex. Fam. Code § 201.011 Report](#)

Extract

After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

Summary

The associate judge is required to provide notice of the substance of their report, including any proposed order, to the parties participating in the hearing. This implies that proper notice is a necessary step in the process. If a party is not provided with notice of the right to a de novo hearing, it could potentially affect the validity of the temporary orders rendered based on the associate judge's report, especially if one of the parties revokes consent.

[Tex. Fam. Code § 201.016 Tex. Fam. Code § 201.016 Appellate Review](#)

Extract

A party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

Summary

Even if a party fails to request a de novo hearing or waives the right to such a hearing, they still retain the right to appeal or seek other relief from higher courts. This suggests that the lack of notice of the right to a de novo hearing does not invalidate the ability to seek further judicial review or relief.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

Extract

without prejudice to the right to a de novo hearing before the referring court under Section FAMILY CODE 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

Summary

An associate judge can render and sign temporary orders without prejudice to the right to a de novo hearing before the referring court. This suggests that the validity of temporary orders is not necessarily contingent on the provision of notice of the right to a de novo hearing, as long as the right to such a hearing is preserved. However, if a party revokes consent to an agreed associate judge's report, it may affect the validity of the orders if the revocation is not addressed in accordance with the relevant procedural rules.

[Tex. Fam. Code § 201.1041 Tex. Fam. Code § 201.1041 Judicial Action On Associate Judge's Proposed Order Or Judgment](#)

Extract

If a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge, other than a proposed order or judgment providing for enforcement by contempt or the immediate incarceration of a party, shall become the order or judgment of the referring court by operation of law without ratification by the referring court.

Summary

If a request for a de novo hearing is not timely filed or the right is waived, the associate judge's proposed order becomes the order of the referring court by operation of law. This suggests that if notice of the right to a de novo hearing was not provided, and a party revokes consent, the validity of the temporary orders may be questionable unless the right to a de novo hearing was waived or not timely requested.

[Tex. Fam. Code § 201.1042 Tex. Fam. Code § 201.1042 De Novo Hearing Before Referring Court](#)

Extract

The party requesting a de novo hearing before the referring court shall file notice with the clerk of the referring court not later than the third working day after the date the associate judge signs the proposed order or judgment.

Summary

A party must file a notice for a de novo hearing within three working days after the associate judge signs the proposed order or judgment. This suggests that there is a procedural requirement for parties to be aware of and act upon their right to request a de novo hearing. If a party is not provided with notice of this right, it could potentially affect the validity of the temporary orders rendered based on the associate judge's report, especially if one party revokes consent.

[Tex. Gov't. Code § 54A.209 Tex. Gov't. Code § 54A.209 Powers of Associate Judge](#)

Extract

without prejudice to the right to a de novo hearing under Section GOVERNMENT CODE 54A.216, render and sign:... (C) a temporary order;

Summary

An associate judge has the authority to render and sign temporary orders without prejudice to the right to a de novo hearing. This suggests that even if a party revokes consent to an agreed associate judge's report, the associate judge can still render temporary orders, and the right to a de novo hearing remains intact. The passage does not specifically address the requirement of notice for the right to a de novo hearing, but it implies that the rendering of temporary orders does not negate this right.

[Tex. Fam. Code § 201.2041 Tex. Fam. Code § 201.2041 Judicial Action On Associate Judge's Proposed Order Or Judgment](#)

Extract

If a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court by operation of law without ratification by the referring court.

Summary

If a request for a de novo hearing is not timely filed or the right to such a hearing is waived, the associate judge's proposed order becomes the order of the referring court by operation of law. This suggests that the validity of the order does not depend on the consent of the parties if the procedural requirements for requesting a de novo hearing are not met.

[Tex. Fam. Code § 201.014 Tex. Fam. Code § 201.014 Judicial Action On Associate Judge's Proposed Order Or Judgment](#)

Extract

Except as otherwise provided in this subchapter, unless a party files a written request for a de novo hearing before the referring court, the referring court may: adopt, modify, or reject the associate judge's proposed order or judgment; hear further evidence; or recommit the matter to the associate judge for further proceedings.

Summary

The referring court has the authority to adopt, modify, or reject an associate judge's proposed order or judgment unless a party files a written request for a de novo hearing. This suggests that if a party is not provided with notice of the right to a de novo hearing, it could potentially affect the validity of the temporary orders, as the opportunity to request such a hearing is a procedural right.

This memo was compiled by Vincent AI based on vLex materials available as of May 09, 2025. [View full answer on vLex](#)