

Effective July 1, 2020 (delayed from June 1, 2020 by the Texas Supreme Court), in addition to citation being published in a newspaper of general circulation in the county in which the probate proceeding is pending, Section 51.054 of the Texas Estates Code (TEC) requires the publication of citation one time on the public information Internet website maintained as required by Section 72.034 of the Texas Government Code. This will be the website of the Office of Court Administration (OCA), which is scheduled to go live on July 1, 2020. The OCA website is <https://www.txcourts.gov/>. The publication must be made at least 10 days before the return day of service, excluding the date of publication. The date of service of citation or notice by publication is the earlier of: (1) the date the citation or notice is published on the public information Internet website or (2) the date of publication printed in the newspaper in which the citation or notice is published.

Further, TEC Section 51.103(b)(4)(A)(i)-(iii) requires an affidavit from the OCA that must be filed with the Court, in addition to the publisher's affidavit, before matters can be set on the docket. The new affidavit must contain, or have attached, a copy of the published citation or notice and state the date of publication on the OCA's website. These new rules apply to all pending cases that have not been heard by July 1, 2020. They apply to heirship and guardianship cases that may have a publication requirement, as well as to any civil case that has a citation by publication requirement. Cases on the docket that have not met both of the publication requirements will need to be rescheduled.

Once the affidavit is on file, please reach out to Silvia Alvarez to re-set your matter (silvia.alvarez@bexar.org).