

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9009

ORDER AMENDING TEXAS RULES OF CIVIL PROCEDURE 116 AND 117

ORDERED that:

1. Senate Bill 891, enacted by the 86th Legislature, requires the creation of a website for publishing citation and directs the Court to establish procedures for the website. Act of May 27, 2019, 86th Leg., R.S., ch. 606, § 9.03 (S.B. 891, codified at TEX. GOV'T CODE § 72.034).
2. The Court approves the following amendments to Rules 116 and 117 of the Texas Rules of Civil Procedure. Rules 116 and 117 have been completely restructured and rewritten. Therefore, this order includes only a clean version of those rules as amended.
3. The amendments take effect June 1, 2020.
4. The amendments may be changed before June 1, 2020 in response to public comments. Written comments should be sent to rulescomments@txcourts.gov. The Court requests that comments be sent by May 1, 2020.
5. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

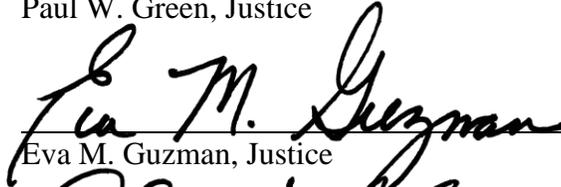
Dated: January 14, 2020



Nathan L. Hecht, Chief Justice



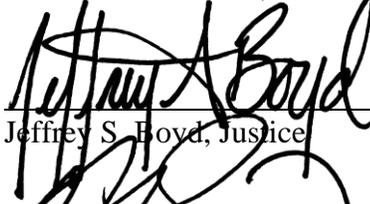
Paul W. Green, Justice



Eva M. Guzman, Justice



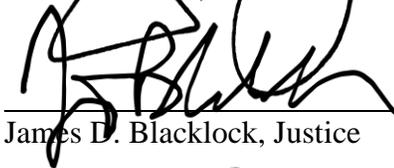
Debra H. Lehrmann, Justice



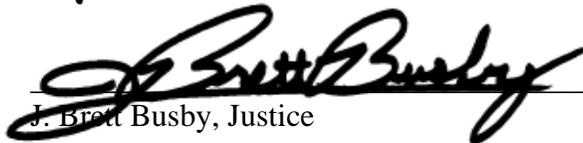
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

RULE 116. SERVICE OF CITATION BY PUBLICATION

- (a) *Public Information Internet Website Defined.* “Public Information Internet Website” means the website developed and maintained under section 72.034 of the Government Code.

- (b) *Where to Publish.*
 - (1) Generally. Except as otherwise provided in (2), the citation must be served by publication in a newspaper under (c) and on the Public Information Internet Website under (d).
 - (2) When Newspaper Publication Not Required. The citation need not be published in a newspaper if:
 - (A) the party requesting citation files a Statement of Inability to Afford Payment of Court Costs under Rule 145;
 - (B) the total cost of the required publication exceeds \$200 each week or an amount set by the Supreme Court, whichever is greater; or
 - (C) the county in which the publication is required does not have any newspaper published, printed, or generally circulated in the county.

- (c) *Newspaper Publication.*
 - (1) Who Must Serve. The citation must be served by any sheriff or constable or by the clerk of the court in which the case is pending.
 - (2) Time for Publication. The citation must be published once each week for 4 consecutive weeks, and the first publication must be at least 28 days before the return is filed.
 - (3) Suits Not Involving Land Title or Real Estate Partition. In all suits that do not involve the title to land or the partition of real estate, the citation must be published in a newspaper in the county where the suit is pending.
 - (4) Suits Involving Land Title or Real Estate Partition. In all suits that involve the title to land or partition of real estate, the citation must be published in a newspaper in the county where the land, or a portion thereof, is situated.

(d) *Public Information Internet Website Publication.*

- (1) Who Must Serve. The citation must be served by the clerk of the court in which the case is pending.
- (2) Time for Publication. The citation must be published for at least 28 days before the return is filed.
- (3) Other Guidelines. The citation must be published in accordance with any other guidelines established by the Office of Court Administration.

Comment to 2020 change: Rule 116 is amended to implement section 72.034(d) of the Government Code.

RULE 117. RETURN OF CITATION BY PUBLICATION

- (a) *Return of Citation by Newspaper Publication.* If the citation was served by newspaper publication, the return must state how the citation was published, specify the dates of publication, be signed by the officer who served the citation, and be accompanied by an image of the publication.

- (b) *Return of Citation by Public Information Internet Website Publication.* If the citation was served by publication on the Public Information Internet Website, the return must specify the dates of publication and be generated by the Office of Court Administration.