

EMERGENCY STANDING ORDER
RELATIVE TO ALTERNATIVE OR SUBSTITUTED SERVICE
FOR THE 44TH DISTRICT COURT OF DALLAS COUNTY
DURING THE COVID-19 CRISIS

A public health emergency having been declared by state and federal government officials relative to COVID-19, Coronavirus, while the 44th Judicial District Court shall remain OPEN, it is implementing the following modified procedures until the current public health emergency is lifted or the Texas Supreme Court issues rules under the Texas Civil Practice and Remedies Code, 17.033.

The Court may modify or suspend any other proceedings consistent with the Texas Supreme Court Emergency Orders Regarding the COVID-19, State of Disaster, Misc. Docket No. 20-9042 consistent with the Texas Office of Court Administration guidelines. See txcourts.gov/supreme/administrative-orders/ and txcourts.gov/media/court-procedures-for-the-2019-novel-coronavirus-COVID-19/.

The Texas Supreme Court, Emergency Order No. 1, states that “Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal – and must to avoid risk to court staff, parties, attorneys, jurors, and the public – without a participant’s consent:

- a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than 30 days after the governor’s state of disaster has been lifted.”

Effective June 1, 2020, Sec. 17.033 of the Civil Practices and Remedies Code is amended, in cases where substituted service is authorized, to authorize the service of citation by social media. This section requires the Texas Supreme Court to draft rules implementing the statute, which have not yet been completed.

Under Governor Abbott’s disaster declaration, judges have the power to order the service of citation by social media. Based upon the foregoing, the 44th District Court, because of the State of Disaster, authorizes service of citation by less than “in-hand” service, including by social media, without going through the normal steps for substituted service;, provided however, that the factual circumstances provide a basis for actual notice and an opportunity to respond.

IT IS THEREFORE ORDERED, that Service of Citation through Alternative or Substituted Service is hereby authorized as follows:

Service of Citation Through Alternative or Substituted Service

The Associate Judge may authorize alternative service under circumstances that are reasonably calculated to provide the Defendant actual notice and an opportunity to respond, and is not substantially less likely to give notice than other alternative methods, such as citation by publication.

Upon motion supported by affidavit or unsworn declaration stating specific facts showing that the requested alternative method shall be reasonably effective to give the Defendant notice of the suit, alternative service by email or identified social media platform shall be authorized, as follows:

1. by email or text: independent verification shall be cited that shows the Defendant's ownership of the email address or phone number and that the Defendant's e-mail address, has been designated by the Defendant as the preferred method of communication.
2. by Facebook Messenger: independent verification shall be cited that shows the Defendant's ownership of the account and his/her active status.
3. Any other means of alternative substitute service shall be considered on a case-by-case basis.

This Court hereby waives the requirement that unsuccessful attempts to serve the Defendant at the party's usual place of abode or business must be made before substitute service is authorized.

This Order in no way modifies or suspends Texas Rule of Civil Procedure 103.

Signed and dated the 4th day of May, 2020.



Hon. Bonnie Goldstein
44th Judicial District Court