

Transferring Your Case to Another Court: Answers to Common Questions

[TexasLawHelp \(https://texaslawhelp.org/directory/legal-resource/texaslawhelp\)](https://texaslawhelp.org/directory/legal-resource/texaslawhelp) [1]

This article provides answers to common questions about moving (transferring) your civil case to a court in a different county.

Note: This article only applies to civil (not family law) cases that are in a district court or county court at law. Do not use these forms for any cases in a justice court.

What is a venue transfer?

When a judge transfers venue, your case is moved to a court in a different county. You can ask a judge to transfer venue by filing a Motion to Transfer Venue and Notice of Hearing.

Should I talk with a lawyer if I need to move my case to another court?

Yes. If possible, talk with a lawyer in the county where the case was filed. It's possible to hire a lawyer just to give you legal advice, this is called limited scope representation. You can use the Find Legal Help tool to search for a lawyer, free legal aid program or self-help center in your area.

Note: Do not use these forms and instead talk with a lawyer if:

- your case involves multiple plaintiffs (petitioners) or defendants (respondents) and you are trying to move only the claims brought by or against you and other claims remain, or
- your case involves multiple plaintiffs (petitioners) or defendants (respondents) and the motion to transfer venue is not brought by agreement, or

Talk with a lawyer about filing a motion to sever and how to properly ask a court to move only part of the case.

Is there a deadline on when to file a Motion to Transfer Venue?

Yes. You must file the Motion to Transfer Venue **before** you file any other document in a case except for a "special appearance." If you file anything other than a special appearance before filing a Motion to Transfer Venue, you will give

up your right to have the case moved. It's important to talk with a lawyer if you have questions.

Note: There are exceptions to this rule. You may file a Motion to Transfer Venue after the deadline if:

1. All of the parties sign the Motion to Transfer Venue that they agree to the case being moved, or
2. You file a Motion to Transfer Venue due to prejudice. However, the law says that you should file the Motion as soon as you become aware of the prejudice.



Important: If your case is in the justice court (and not in a district or county court at law), a different exception applies:

- The defendant in a justice court may challenge venue up to 21 days after the answer is filed, if the plaintiff files a case in an improper venue.
 - Read the law here: **Texas Rule of Civil Procedure 502.4**. (<https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments-effective-may-1-2020.pdf>) [2]

Will the judge transfer the case to another court?

It depends. First, it is important that you are the right party to file the Motion to Transfer Venue (depending on the reason for the request) and that you file it before the deadline (if applicable). Then:

- If you show venue is not proper in the current court, and mandatory in another court, the judge should transfer the case.
 - Read the law here: **Texas Civil Practice and Remedies Code sections 15.011 to 15.020** (<http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm#15.011>) [3].
- If you show venue is not proper in the current court and proper in another court either under the general or permissive venue rules, the judge will likely transfer the case.
 - Read the law here: **Texas Civil Practice & Remedies Code sections 15.001 to 15.002; (http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm#15.001) [4]15.031 to 15.039. (http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm#C)**

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- If you show venue is more convenient in another court, the judge may transfer your case for the convenience of the parties, the witnesses and in the interest of justice.
 - Read the law here: **Texas Civil Practice and Remedies Code section 15.002(b) (http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm#15.001) [4].**
- If you show you are likely to be prejudiced in the current court, and support the Motion with the required affidavits, the judge should transfer the case unless the credibility of the people that provide the affidavits is successfully challenged.
 - **Remember:** Either party may ask for the case to be moved to a different court because of prejudice. In this case, the general deadline rule does not apply, but the law says you should file the Motion as soon as you become aware of the prejudice.
 - **Read the law here: Texas Rules of Civil Procedure 257 to 259. (https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments-effective-may-1-2020.pdf) [2]**
- If the parties agree to transfer the case to another court of proper venue, it is highly likely the judge will transfer the case.
 - **Remember:** Either party may file the Motion at any time if it is by agreement, so long as the other side files its agreement to the transfer with the court in writing.
- It's a good idea to talk with a lawyer in the county where the case was filed. The lawyer can tell you whether or not the judge is likely to transfer your case.

**Where can I read the law about asking to transfer venue?**

Read the law here: **Texas Civil Practice and Remedies Code Chapter 15; (http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm) [6] Texas Rules of Civil Procedure 85 to 89, 255 to 261. (https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments-effective-may-1-2020.pdf) [2]**

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Links

- [1] <https://texaslawhelp.org/directory/legal-resource/texaslawhelp>
- [2] <https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments-effective-may-1-2020.pdf>
- [3] <http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm#15.011>
- [4] <http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm#15.001>
- [5] <http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm#C>
- [6] <http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.15.htm>

