

Declaratory Judgments Research Guide

Overview

This research guide includes information and resources on declaratory judgment. A declaratory judgment is “a binding adjudication that establishes the rights and other legal relations of the parties without providing for or ordering enforcement.” (*Black Law Dictionary, 11th ed.*) The Uniform Declaratory Judgments Act is “remedial” and meant to “settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations.” (*CPRC §37.002*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Civil Practice and Remedies Code (CPRC)

- Ch. 37 Declaratory Judgments (Uniform Declaratory Judgments Act)
<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.37.htm>

Secondary Resources in Print

Texas CPRC Plus REF KFT 1728 .A196 A2

- CPRC Ch. 37 Declaratory Judgments

Texas Family Law Manual REF KFT 1294 .T4S7

- Vol. 4, Ch. 61 Miscellaneous Litigation, Form 61-15: Petition for Declaratory Judgment
- Practice Notes Vol. 2 §61.10 Declaratory Judgment

Dorsaneo’s Texas Litigation Guide REF KFT 1730 .T4

- Vol. 3, Ch. 45 Declaratory Relief
- Vol. 24, Ch. 394 Will Construction §394.08 Declaratory Judgment Action to Construct Wills

Texas Probate, Estate and Trust Administration REF KFT 1344 .T465

- Vol. 2, Ch. 40 Will Construction §40.03 Declaratory Judgment for Construction of Will
- Vol. 3, Ch. 46 Suits By and Against the Estate §46.05 Action for Declaratory Judgment and §4605A Form—Petition in Action for Declaratory Judgment

CLE Materials

Advanced Family Law KFT 1294 .S83

- 2019 Ch. 8 Declaratory Actions, MSJ’s, and Other Weird and Effective Family Law Tools

Estate Planning and Probate Drafting KFT 1337 .A75 FS4

- 2021 Ch. 6 I Do Declare! Using Declaratory Judgments to Solve Probate Quandries

Litigation Update Institute KFT 1738 .A2S7

- 2022 Ch. 2 Insurance Update
- 2022 Ch. 10 Reputational Torts and the Texas Anti-SLAPP Law, Section III. D. Do Certain Statutory, Or Other Actions, Such As For Declaratory Judgment, Not Qualify As “Legal Actions” Under the TCPA?, p. 17

Online Resources

When is a Declaratory Judgment Proper? 2017 CLE
<https://probatecr4.harriscountytexas.gov/Documents/Declaratory%20Judgments%20CLE%202017%20for%20Court%204.pdf>

Pro Se Tips and Tactics (Declaratory Relief)
<https://www.prisonlegalnews.org/news/1997/jun/15/pro-se-tips-and-tactics-declaratory-relief/>

You Can't Always Get What You Want (if what you want is a declaratory judgment on non-liability) by Jeffrey C. Glass <https://www.hannaplaut.com/you-cant-always-get-what-you-want-if-what-you-want-is-a-declaratory-judgment-on-non-liability/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up <https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up <https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)

