

[PASTE YOUR [CASE STYLING](#) HERE]

STANDING MOTION FOR RECUSAL/DISQUALIFICATION AND OBJECTION TO ANY ASSOCIATE AND/OR NON- ELECTED JUDGE

COMES NOW [Your Full Legal Name], appearing pro se, and files this Standing Motion for Recusal / Disqualification and Objection to any Associate Judge or non-elected judge presiding over any matter in this cause, now or in the future.

I. STATUTORY AUTHORITY

Associate Judges serve pursuant to Texas Family Code Chapter 201. Under Texas Family Code § 201.005(b) and (c), a party may submit a written objection to an appointed associate judge hearing a trial on the merits or any contested matter.

This Motion serves as a standing, perpetual objection to any Associate Judge, non-elected judge, or unelectable judge hearing any matter related to this cause. Movant will only accept hearings before an elected and electable District Judge who is directly accountable to the voters.

II. CONSTITUTIONAL AND DUE PROCESS GROUNDS

Movant requests that the Court take official judicial notice of the following:

1. Movant is appearing pro se and requests recognition of Movant's Pro Se Right as defined.
2. The Constitutions of the United States and the State of Texas are the supreme law of the land and supersede any conflicting statute, rule, or policy (U.S. Const. Art. VI, Cl. 2; Texas Const. Art. I, § 2). Any statute or order that violates these Constitutions is void ab initio (void from the beginning).
3. Any order arising from a proceeding that violates constitutional due process is likewise void ab initio.
4. Any Oath-holder who knowingly violates their Oath of Office loses jurisdiction, authority, and any immunities granted by that Oath (Texas Const. Art. XVI, § 1).
5. No public official is immune from criminal prosecution for violations of law, and civil immunity is stripped when constitutional rights are knowingly violated.

6. Pro se pleadings must be construed liberally. Courts are required to afford pro se litigants every opportunity to obtain justice on the substance rather than technical form (see authorities listed in Section IV below).

III. SPECIFIC OBJECTION AND STANDING RECUSAL

Pursuant to Texas Family Code § 201.005, Texas Rules of Civil Procedure 18a and 18b, and the Due Process Clauses of the U.S. and Texas Constitutions, Movant hereby objects to and demands recusal/disqualification of any Associate Judge or non-elected judge from hearing any matter in this case, in perpetuity.

Movant will not participate in any hearing that violates these constitutional protections. Any attempt to assign a non-elected judge will be treated as a knowing violation of Movant's due process rights.

IV. PRO SE RIGHTS – LIBERAL CONSTRUCTION

Pro se pleadings are to be construed liberally and expansively, affording the litigant every opportunity to obtain justice on the substance rather than technicality of form.

Key authorities include:

- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Boag v. MacDougall, 454 U.S. 364 (1982)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- United States v. Miller, 197 F.3d 644, 648 (3rd Cir. 1999)

Courts must use common sense to determine what relief a pro se party desires or is entitled to and must protect pro se litigants from technical errors where injustice would result.

V. TIMING

This Motion is filed as soon as practicable after Movant became aware of the grounds and meets the requirements of Texas Rules of Civil Procedure 18a(b).

VI. PRAYER

WHEREFORE, premises considered, Movant respectfully prays that the Court:

1. Acknowledge this Motion as a standing, perpetual objection and recusal/disqualification of any Associate Judge or non-elected judge in this cause;
2. Ensure that all future hearings are conducted only before an elected District Judge;
3. Set aside any prior orders entered by a disqualified judge if constitutionally required;
4. Suspend any scheduled hearings until this Motion is ruled upon if necessary to protect due process; and
5. Grant any and all other relief to which Movant may be entitled.

Respectfully submitted,

[Your Full Legal Name]
Pro Se Litigant / Parent of Minor Child
Address: [Your Full Mailing Address]
Phone: [Your Phone Number]
Email: [Your Email Address (optional)]

Date: _____

VERIFICATION

My name is [Your Full Legal Name], my date of birth is [MM/DD/YYYY], and my address is [Your Full Address], [County Name] County, Texas. I declare under penalty of perjury that I have read this Motion in its entirety, that the facts stated herein are true and correct to the best of my knowledge and belief, and that I have personal knowledge of the facts contained herein unless otherwise noted.

[Your Full Legal Name]

Pro Se

Executed in [County Name] County, State of Texas, on this _____ day of _____, 20____.

NOTARY ACKNOWLEDGMENT

State of Texas

County of _____

Before me, the undersigned notary public, on this day personally appeared [Your Full Legal Name], known to me (or proved to me by satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this _____ day of _____, 20____.

Notary Public, State of Texas

My Commission Expires: _____

(Place Notary Seal Here)

1-Page Instructions: How to Complete and File This Standing Motion (For First-Time Pro Se Litigants)

Step 1: Preparation

- Fill in all [bracketed fields] with your accurate information.
- Keep the document factual and professional.

Step 2: Notarization (Strongly Recommended)

- Print the completed motion.
- Sign only in front of a notary public with valid photo ID.
- Have the notary complete the acknowledgment.

Step 3: Filing and Service

- File the original with the District Clerk in your county.
- Serve a copy on the opposing party (or their attorney) via certified mail or as required by TRCP 21a.
- Include a completed Certificate of Service.

Step 4: Use

- File this Motion early in the case or as soon as you learn an Associate Judge has been assigned.
- It serves as a standing objection for the entire case.
- Attach it to any hearing notice if needed.

Important Tips

- This Motion protects your right to an elected judge under Texas Family Code § 201.005.
- Always file timely and keep copies of everything.
- Add this document to your master complaint file.