IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9067

SIXTEENTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This Order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. This Order is effective upon the expiration of the 14th Emergency Order Regarding the COVID-19 State of Disaster.

3. In any action to collect consumer debt as defined by Texas Finance Code Section 392.001(2):

a. Issuance and service of writs of garnishment and turnover orders may resume, but an individual judgment debtor or receiver shall be entitled, upon request, to a hearing (either in person or remotely, as local circumstances permit), within two business days of the court's receipt of the request, to determine what funds are attributable to a stimulus payment received pursuant to Section 2201 of the CARES Act;

b. Courts and turnover receivers appointed under Texas Civil Practice & Remedies Code Section 31.002 must release or refund any stimulus payments affected by garnishment or turnover;

c. Receivers and judgment creditors shall send an additional notice to the judgment debtor in the same manner prescribed by Rule 663a of the Texas Rules of Civil Procedure, that shall read as follows:

> "IF YOU RECEIVED A STIMULUS PAYMENT FROM THE IRS UNDER THE CARES ACT, THE AMOUNT YOU RECEIVED MAY BE SUBJECT TO A COURT STAY PROTECTING THOSE FUNDS DURING THE CURRENT EMERGENCY. YOU HAVE A RIGHT TO REQUEST A HEARING WITH THE COURT, AND THE COURT WILL CONSIDER YOUR REQUEST ON AN EXPEDITED BASIS."

4. This Order expires August 12, 2020, unless extended by the Chief Justice of the Supreme Court.

5. The Clerk of the Supreme Court is directed to:

a. post a copy of this Order on www.txcourts.gov;

b. file a copy of this Order with the Secretary of State; and

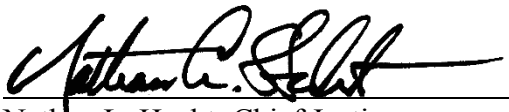
c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: May 14, 2020

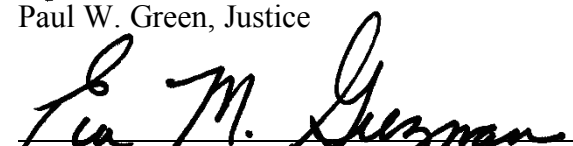
JUSTICE BOYD dissents as to paragraph 3.b. and would instead instruct courts and turnover receivers to apply any applicable substantive federal or state law when determining whether any stimulus payments affected by garnishment or turnover should be released or refunded.

JUSTICE BLACKLOCK dissents and would allow the proceedings in question to resume under their normal procedures.

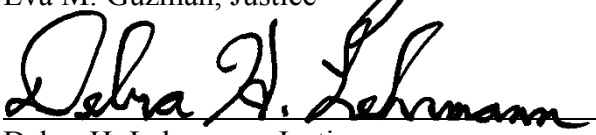


Nathan L. Hecht, Chief Justice

Paul W. Green, Justice

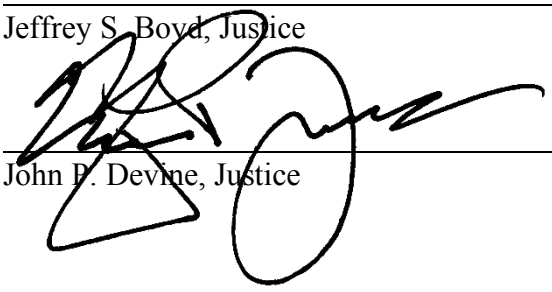


Eva M. Guzman, Justice



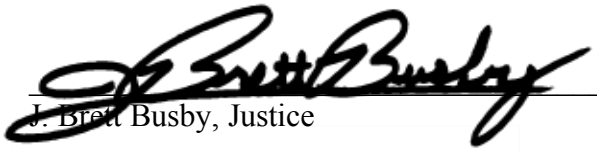
Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

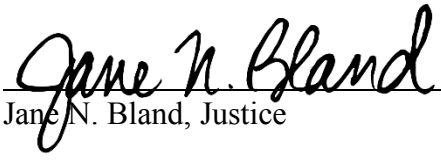


John P. Devine, Justice

James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice