

Updates from the Harris County District Clerk



Welcome to the DCO's CLE seminar



- Marilyn Burgess is your Harris County District Clerk.
- District Clerk Burgess is a seasoned businesswoman – She practiced as a CPA for more than 30 years.
- Ms. Burgess is passionate about public service and she worked as Executive Director of the Texas Parent Teachers Association from 1999 to 2001.
- Ms. Burgess moved to Houston in 2002 and served as President of the North Houston-Greenspoint Chamber of Commerce from 2002 to 2006.
- In 2018, Ms. Burgess ran for Harris County District Clerk on a platform focused on modernizing the jury system by launching online registration for prospective jurors, increasing the diversity of juries, and ensuring a living wage for the hardworking professionals that staff the District Clerk's Office.
- As District Clerk, she is working hard to make the DCO more efficient, innovative and technology-driven. Ms. Burgess oversees a staff of more than 500 people.
- Just a couple of months ago, Ms. Burgess won the Munsterman Award, a prestigious national award that recognizes significant innovation in the field of jury service.

Agenda

- Legislative Updates
 - SB 41 – Consolidating Civil Filing Fees across the state
 - Includes JP, County Civil, District, and civil actions related to criminal matters
 - HB 569 – Jail credit increase
 - SB 181 – Defendant fines on misdemeanor drug offense cases
- Judicial Committee for Information Technology (J.C.I.T.) Updates
- Harris County DCO Website Updates

Senate Bill 41 - 87(R)

- Relating to the consolidation and allocation of state civil court costs; increasing certain civil court costs; authorizing fees
- Summary: Consolidates civil/family new suit fees to change to \$137 to the state and \$213 to the county in all courts. Raises county court issuance fees to district court amounts. Sets electronic fees to .10 per page, minimum \$1; sets appeal copies to \$1 per page; and electronic to paper conversion to \$1 per page. The consolidated fees include an increase to court security fee from \$5 to \$20; jury fee of \$10 charged on every case; court facility fee \$20; and records management accounts consolidated to \$30

**CIVIL
NEW
SUIT
FEE**

PAGE / LINE	EXISTING BASE STATUTES REPEALED	EXISTING FEE 12/31/2021	NEW BASE STATUTES - CONSOLIDATED LGC Subchapter C Section 135.101(b)	NEW FEE BREAKDOWN 1/1/2022
7/7	Appellate judicial system fund GC Chapter 22	\$ 5.00	Appellate judicial system fund (1) 2.3474%	\$ 5.00
7/9	New for most counties	\$15.00 to \$20.00	Court facility fee fund (2) 9.3897%	\$ 20.00
7/10	Clerk of the court GC 51.317(b)(1); LGC 118.052(1)(A)(ii), 118.055	\$50/\$40	Clerk of the court account (3) 23.4742%	\$ 50.00
7/11	Records management and preservation account - District GC 51.317(b)(4)/ ©(1)(2) and County LGC 118.0546 (118.052).	\$10/\$5	County records management and preservation account (4) 14.0845%	\$ 30.00
7/13	Court Reporter Service Fee GC 51.601(a), (a-1),(b),(e)	15.00 to \$30.00	Court reporter service fund (5) 11.7371%	\$ 25.00
7/14	County law library fund LGC 323.023	\$ 35.00	County law library fund (6) 16.4319%	\$ 35.00
7/15	Courthouse security fund LGC 291.008	\$ 5.00	Courthouse security fund (7) 9.3897%	\$ 20.00
7/16	New	\$ -	Language access fund (8) 1.4085%	\$ 3.00
7/17	New	\$ -	County jury fund (9) 4.6948%	\$ 10.00
7/18	County dispute resolution fund - optional CPRC 152.004	\$ 15.00	County dispute resolution fund (10) 7.0423% (If none, send to State)	\$ 15.00
6/21	LOCAL CONSOLIDATED FEE			\$ 213.00
2/16	STATE CONSOLIDATED FEE (State will break down- page 3/4)			\$ 137.00
TOTAL FILING FEE				\$ 350.00
				\$ -

ACTIONS WITHIN EXISTING CASES EFFECTIVE 1/1/2022

PAGE / LINE	EXISTING BASE STATUTES REPEALED	EXISTING FEE 12/31/2021	NEW BASE STATUTES - CONSOLIDATED LGC Subchapter C Section 135.101(c)	NEW FEE BREAKDOWN 1/1/2022
7/27	Clerk of the court GC 51.317(b)(2)	\$ 15.00	Clerk of the court account (1) 42.8571%	\$ 15.00
7/11	Records management and preservation account - District GC 51.317(b)(4)/ ©(1)(2) and County LGC 118.0546.	\$ 10.00	County records management and preservation account (2) 57.1429%	\$ 20.00
6/23	LOCAL CONSOLIDATED FEE			\$ 35.00
2/19	STATE CONSOLIDATED FEE	(State will break down- 3/4)		\$ 45.00
TOTAL FILING FEE				\$ 80.00

SERVICE FEES

PAGE / LINE	SERVICE	STATUTE	DESCRIPTION	AMOUNT
20/2-4	Search fee	GC 51.318(b)(3) and (4) amended	Search files or records to find a cause number or existence of an instrument or record. Combines 3 and 4 into one fee.	\$ 5.00
20/8-9	Preparation of clerk's record on appeal	GC 51.318(b)(5) new	For preparation of the clerk's record on appeal, for each page or part of a page.	\$ 1.00
20/10	Approving a bond	GC 51.318(b)(6) amended	Increases the fee from \$4 to \$5	\$ 5.00
20/13	Certified copy on paper	GC 51.318(b)(7) amended	Certified copy on paper, for each page or part of a page	\$ 1.00
20/14	Certificate and Seal	GC 51.318(b)(7)(A) new	Creates a fee for certification and seal of certified records, just like county clerk.	\$ 5.00
20/18	Non-certified paper copy	GC 51.318(b)(8)(A) amended	non-certified copy printed on paper, for each page or part of a page	\$ 1.00
20/20	Non-certified document converted to electronic	GC 51.318(b)(8)(B) new	Non-certified copy converted from paper, microfiche, microfilm, CD: to electronic format; for each page or part of a page.	\$ 1.00
20/22-27	Non-certified electronic document	GC 51.318(b)(8)Ⓢ new	Non-certified copy of electronic document; for each page up to 10 is \$1 plus .10 cents for each additional page or part of a page.	.10 cents per page with \$1 minimum
23/27	Abstract of Judgment	LGC 118.052(1)(B)(i) amended	County clerk abstract fee raised from \$5	\$ 8.00
24/3	Execution, order of sale, writ, or other process	LGC 118.052(1)(B)(ii) amended	County clerk execution, order of sale, writ, or other process raised from \$5	\$ 8.00
24/22	Approving and recording a bond	LGC 118.052(2)(A)(ii) amended	County clerk approving and recording a bond raised from \$3	\$ 5.00
25/20-21	Issuing document and one copy	LGC 118.052(3)(A) amended	County clerk issuing document and one copy raised from \$4 and each additional set raised from \$4	\$ 8.00
25/26-27	Noncertified papers	LGC 118.052(3)Ⓢ amended	County clerk non certified papers printed on paper, for each page	\$ 1.00
26/1-2	Non-certified document converted to electronic	LGC 118.052(3)Ⓢ amended	County clerk non certified converted from paper, microfiche, microfilm, CD; for each page or part of a page.	\$ 1.00
26/3-7	Non-certified electronic document	LGC 118.052(3)Ⓢ(i) amended	County clerk non-certified electronic copy of electronic document, 10 cents minimum \$1.	.10 cents per page with \$1 minimum
26/15; 27/20-22	Search fee	LGC 118.052(3)(G) new; LGC 118.070 new	County clerk may search files or records to locate a cause when the docket number is not provided	\$ 5.00
26/21-22	Preparation of clerk's record on appeal	LGC 118.052(3)(I) new	County clerk preparation of the clerk's record for appeal, per page or part of a page	\$ 1.00

Senate Bill 41 - 87(R)

- High Level Breakdown Summary

Civ/Fam Non SAPCR New Suits	350
SAPCR New Suits	365
Civ/Fam Non SAPCR Actions	80
Family Law Actions	15
Family SAPCR Post Actions	30

Copies - Paper Printed per page	\$1.00 per page
Copies - Electronic 1 to 9 Pages	\$1.00 each
Copies - Electronic 10 Pages and Up	\$0.10 per page
Copies - Paper Converted to Electronic per page	\$1.00 per page
Certified Copy and Seal	\$5.00 each

Senate Bill 41 - 87(R)

Jury Fee

- SB 41 has repealed section 51.604 of the Government Code. Instead of submitting \$40 with the jury request, now either party will be able to request a jury after paying a local consolidated civil filing fee to the District Clerk. These changes go into effect on January 1, 2022.
- SB 41 expressly repeals section 51.604 of the Government Code, but does not mention Rule 216. As a result, Rule 216's requirement for a jury fee will stand once SB 41 has gone into effect. For cases filed before 2022 that are not subject to the local consolidated filing fee, the District Clerk must collect the \$10 fee within a reasonable time before the trial date.

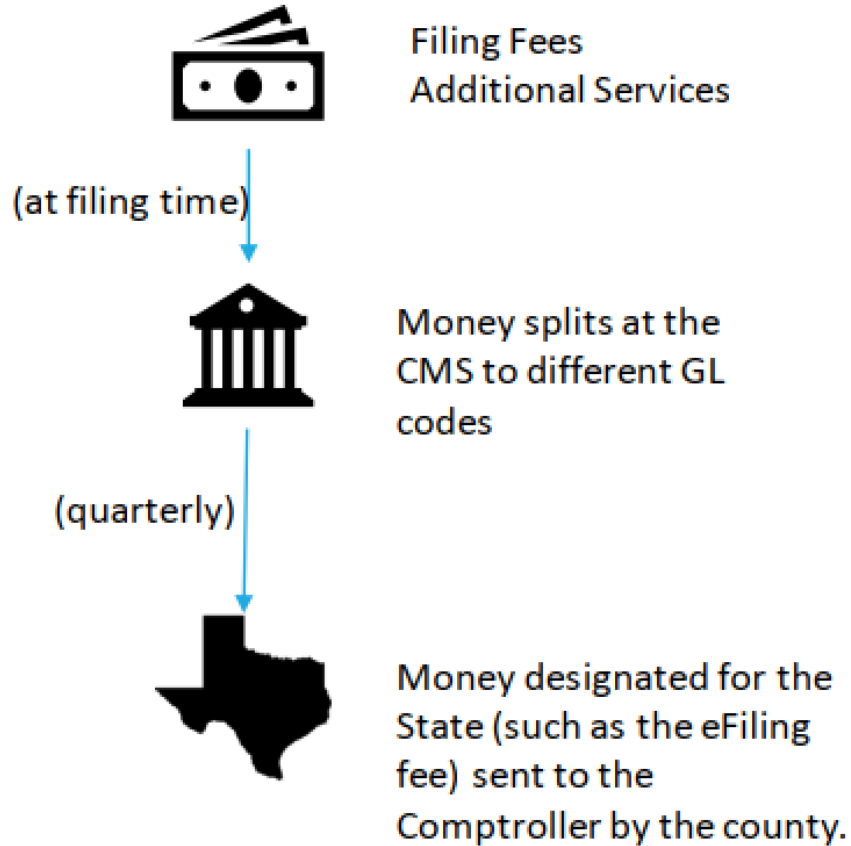
Motion for Contempt

Details Optional Services Communication Hide Details

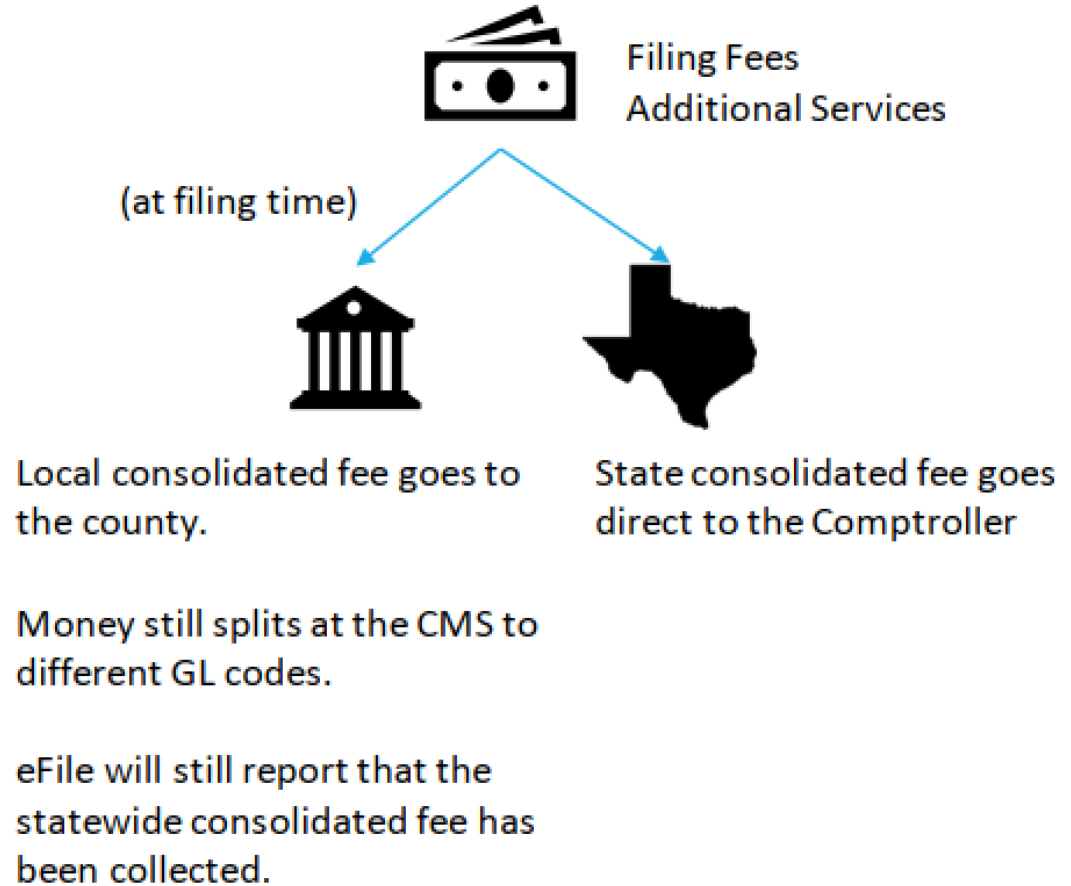
Not Selected Selected

← Jury Fee \$10

Current



Future



Senate Bill 41 - 87(R)

- On the Court Costs tab of our case details page, we have added a “State Fee Amt” column to show any amounts paid directly to the state

Trans # 214194212		Harris County District Clerk(Responsible Cust # I2107842)								
Date	Register #	Receipt #	Court Cost	Amount Paid	Amount Due	Action Type	Due Type			
12/7/2021	102	937433	\$ 35.00	\$ 35.00	\$ 0.00	CIVIL CONTEMPT	Paid			
Assessed Fees										
Fee Code	Description					Quantity	Unit Price	Assessed	Collected	Due
718	CLERK BASIC FILING FEE					1	\$ 15.00	\$ 15.00	\$ 15.00	\$ 0.00
719	CLERK RECORDS MANAGEMENT PRESERVATION					1	\$ 20.00	\$ 20.00	\$ 20.00	\$ 0.00
Total:								\$ 35.00	\$ 35.00	\$ 0.00
Payments										
	Cust ID	Customer	Type	Date	Trans ID	Reg #	Rec #	Amt Applied	Payment Amt	State Fee Amt
	I2107842	Harris County District Clerk	Texas.gov Visa	12/7/2021	214194212	102	937433	\$ 35.00	\$ 35.00	\$ 45.00

Senate Bill 41 - 87(R)

- If filed and collected through eFileTexas, the state's system will send only the county fees to the county and the state fees will be remitted to the Comptroller
 - What about refunds?
 - Clerks will handle any refunds for local fees and the state will handle all refunds for state fees. We are still waiting on those instructions from the state
- If filed and collected through the clerk, the local and state fees will be collected and the county will remit the fees to the state and all refunds can be handled by the county.

IA.5. Fraudulent Lien Case

<u>Fee Type</u>	<u>Amount</u>
<i>I. Statewide Required Filing Fees</i>	
<i>(Set Amount)</i>	
(5) Fraudulent Judgment Lien/Fraudulent Lien or Claim Fee	\$350.00
Total Filing Fees	\$350.00

- NOTES:**
- (a) *Senate Bill 41, 87th Legislature Session, increased the filing fee for cases filed under §12.005(a), Civil Practice & Remedies Code, from \$15.00 to \$350.00, which is the total fee for filing a civil case.*
 - (b) *Senate Bill 41, 87th Legislature Session, repealed the language in §12.005(a) that prohibited a clerk from assessing any other fee, cost, charge, or expense in connection with a fraudulent lien case.*
 - (c) *Senate Bill 41, 87th Legislative Session, repealed the language in §12.005(b) that authorized a \$20 service of notice fee and the cost of certified mail.*
 - (d) *Senate Bill 41, 87th Legislative Session, repealed the language in §12.005(d) that allowed a court to assess additional fees.*
 - (e) *Fraudulent lien cases include all cases for which a cause of action is created in Chapter 12 of the Civil Practice & Remedies Code. These cases may seek the recovery of damages. They differ from “motions for judicial review of lien/claim documentation,” which are independent civil cases that do not seek damages and are filed under Chapter 51, Government Code (See III.A.1.).*

I.B.10. Protective Order Application

<u>Fee Type</u>	<u>Amount</u>
<i>I. Statewide Required Filing Fees</i>	
<i>(Set Amounts)</i>	
(1) Local Consolidated Civil Fee	\$213.00
(2) State Consolidated Civil Fee	\$137.00
Total Filing Fees	\$350.00

- NOTES:**
- (a) *Do not assess a fee, cost, charge, or expense in connection with the filing, serving, or entering of a protective order on an applicant for a protective order. See Family Code Section 81.002. Costs may be assessed against the subject of the order, if the order is granted, including the \$16 fee for issuance of the order, absent a showing of good cause or indigency. See Family Code Section 81.003.*
 - (b) *An application for a protective order filed while a divorce is pending may be filed where the case is pending or where the applicant resides, if in another county.*
 - (c) *An application for a protective order filed after a divorce is final may be filed in the county of the divorce or in another county with jurisdiction. If the application is filed in the county of the divorce, the application should be filed in the court that handled the divorce.*

Senate Bill 41 - 87(R)

- File under Family – Other case type until a case type can be added to the Technology Standards

I.B.9. Petition for Qualified Domestic Relations Order

<u>Fee Type</u>	<u>Amount</u>
<i>I. Statewide Required Filing Fees</i>	
<i>(Set Amounts)</i>	
(1) Local Consolidated Civil Fee	\$213.00
(2) State Consolidated Civil Fee	\$137.00
Total Filing Fees	\$350.00

NOTE: *The petition is filed in the court that rendered the original divorce decree, but it is treated as an original filing. See §§9.101 and 9.102, Family Code.*

Senate Bill 41 - 87(R)

- Other Case Types which are not in the Technology Standards
- If Civil, then choose Case Category (Civil – Other Civil) then Other Civil (350.00)
- If Family Non-SAPCR, then choose Case Category (Family Other Family Law) then Other (350.00)
- If Family SAPCR, then choose Case Category (Family – Parent-Other Parent Child Relationship) then Other Parent-Child (365.00)

Senate Bill 41 - 87(R)

- Civil Actions related to criminal matters

Motion for New Trial	80.00
Notice of Non-Disclosure	350.00
Petition for District Occupational Drivers License	350.00
Petition for County Occupational Drivers License	350.00
Bill of Review	350.00
Amended Filing for Occupational Driver's License	80.00
BF Judgments	350.00
<i>+Plus Citation and copy fees</i>	

Senate Bill 41 - 87(R)

- Rule 21 (f)(5)(a) – states when a document is filed on a weekend or legal holiday then it is deemed filed on the next business day. December 31st is a Harris County Holiday so anything filed on December 31st, January 1st, and January 2nd will be deemed filed on January 3rd. This means anything filed on December 31st forward will be subject to the new SB41 fee changes.

(5) Timely Filing. Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except:

(A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and

HB 569 – Jail credit increase

- Relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.
- Summary: Amends the Code of Criminal Procedure, Art. 45.014(e)(1)(D) to allow for defendants to pay for court fees and costs through time served in confinement on offenses other than the one they are charged with, as long as the confinement occurred after commission of the misdemeanor. The credit would be applied to the amount of fine and costs at the rate of not less than \$150 for each day of confinement.

Senate Bill 181

- Relating to the suspension of a driver's license for persons convicted of certain offenses and the educational program required for reinstatement of a license following certain convictions; authorizing a fine.
- Adds Article 102.0179 Code of Criminal Procedure. Page 1 line 14 (b) In addition to any other fees and fines imposed under this subchapter, a defendant convicted of a misdemeanor drug offense as defined by Section 521.371, Transportation Code, whose driver's license is not suspended under Section 521.372, Transportation Code, as a result of that conviction, shall pay a fine of \$100. Page 2 line 4 (d) A fine imposed under this article is due regardless of whether the defendant is granted community supervision in the case.
- Amends Section 521.372 Transportation Code. Page 2 line 15; A DL is automatically suspended on final conviction of: an offense under the Controlled Substances Act; a felony drug offense; a misdemeanor drug offense, if the person has been previously convicted of a drug offense committed less than 36 months before the commission of the instant offense; or a felony under Chapter 481, Health and Safety Code, that is not a drug offense.

J.C.I.T. Update

- Technology Standards 7.0 – approved by J.C.I.T. and was approved by the Texas Supreme Court on December 7th -
<https://www.txcourts.gov/media/1453289/219151.pdf>
 - Changes include SB41 – one change needed was to create a new case type so now there are 2 case types for Declare Marriage Void, one with children and one without children along with various optional services fee changes.
- Also included is a statement under the Return for Correction section for a standard time frame for clerks to allow corrections – “The filer will have the ability to copy the original filing, make corrections and resubmit the filing with the original file date for a period not to exceed 72 hours from the time the filing is returned for correction.”

J.C.I.T. Update

- The J.C.I.T. Orders subcommittee is currently meeting to discuss the following
 - Orders submitted to Re:SearchTx
 - Possible solutions to issues with the Automated Certificate of Service
- New eFile contract begins in 2022 include:
 - Self-service administrative tools
 - Improved filing experience for users with more upfront document checks – reducing the number of filings returned for correction
 - Ability to upload and transmit additional file formats
 - Various updates for courts and clerks

J.C.I.T. Update

- eFileTexas 2.0 Contract is continuing work by the state

eFileTexas 2.0 – Progress Update



- Cycle 1 Execution phase is 68% complete
- Testing is 58% complete
 - User Acceptance testing for "OOTB" items currently underway
- eFile Analytics Pilot Testing is 75% complete






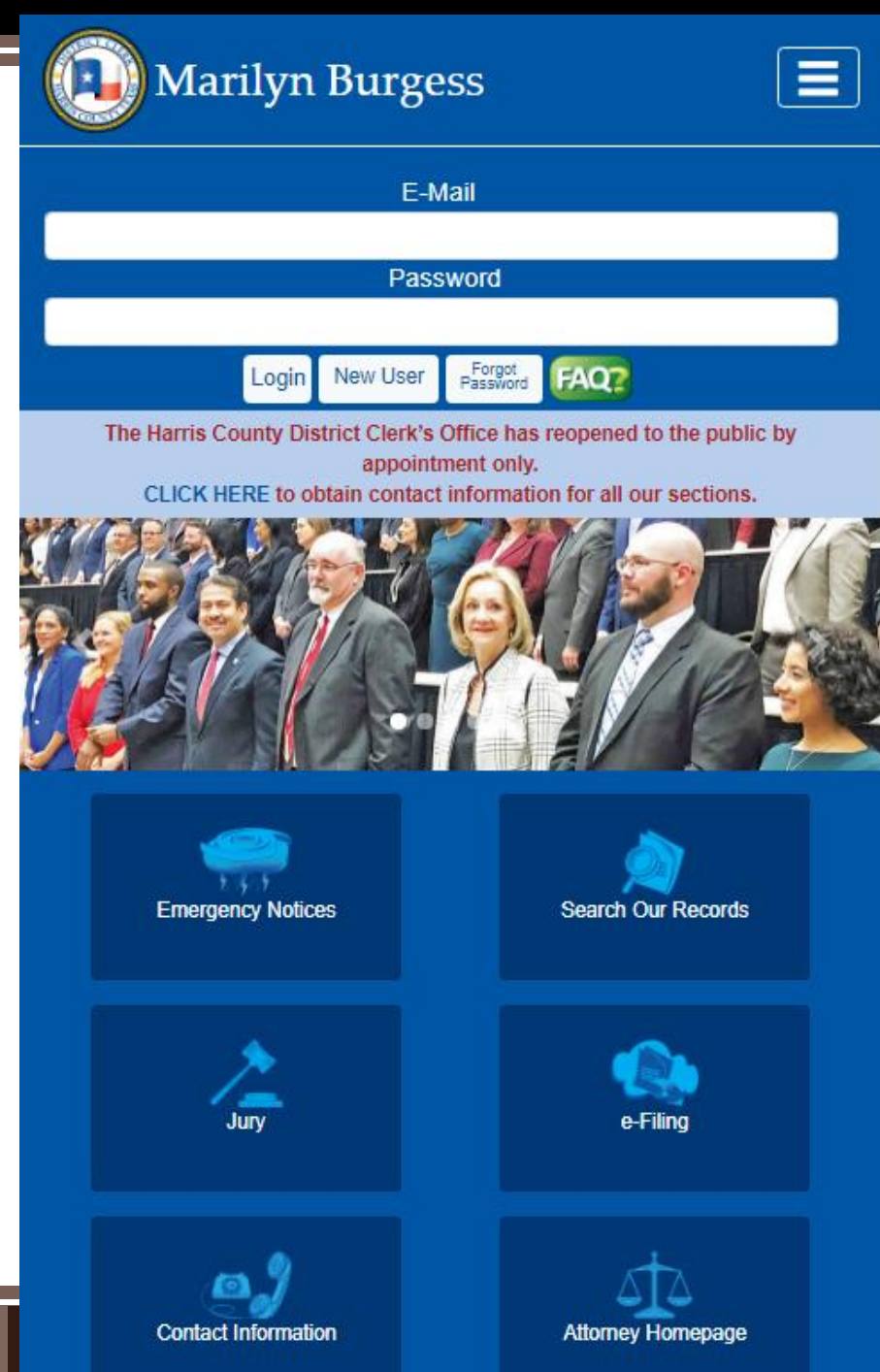
- Cycle 2 analysis and design is complete
- Cycle 2 execution phase to begin on 12/20

Website Updates

- Converting our website in January to a responsive design. This means the website adjusts accordingly based on the device the customer uses.
- High level changes include:
 - Responsive to device (mobile friendly)
 - Aesthetic appearance
 - Minor menu changes

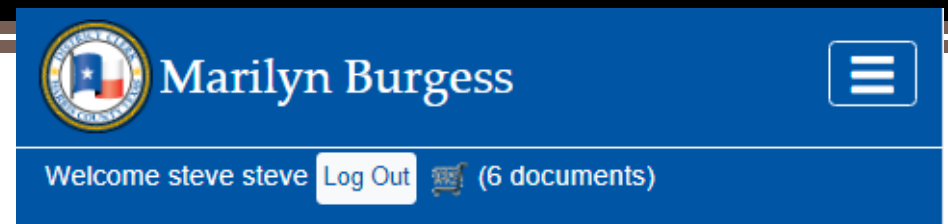
Website Updates

- Menus will be in the upper right corner under the hamburger menu 
- Login stays on top of page
- Clicking on the seal will take you back to the home page at anytime 
- After scrolling to the bottom of the page, the red arrow will take you to the top of the page 
- Attorney Homepage icon allows quick access to the Attorney Kiosk



Website Updates

- Links on top of page are shortcuts to content on the page
 - Clicking on In-Coming Transfer menu at top will take you directly to that section in the page



Marilyn Burgess

Welcome steve steve [Log Out](#) (6 documents)

Family Intake

Protective Orders (Family Violence)

In-Coming Transfers

Legal Information

Online Forms

Family Intake
201 Caroline, Suite 210
Houston, Texas 77002
(832) 927-5700
family.intake@hcdistrictclerk.com

Family Intake

According to The Supreme Court of Texas, an order was signed adopting Texas Rule of Civil Procedure 21c and Amendments to Texas Rules of Civil Procedure 4, 21, 21a, and 502.1, Texas Rules of Appellate Procedure 6 and 9, and the Supreme court Order Directing the Form of the Appellate Record in Civil Cases to be effective January 1, 2014 for Harris County. This order mandates electronic filing in all Civil Courts and restricts us from accepting paper filing from any filer other than Pro Se filers. Please, click on the following link to learn more about electronic filing www.efiletexas.gov. We will also be unable to accept any other type of electronic filing other than through EFileTexas.gov which include any type of Fax Filing.

Protective Orders (Family Violence)

Matters concerning family violence are handled by the Harris County District Attorney's Office. The Family Violence Unit of the DA's office is temporarily located at 1310 Prairie, 5th Floor, Houston, 77002. They can be reached at (713) 274-0212. If you wish to file the paperwork yourself, visit the Office of the Attorney General's Web Site to retrieve the packet of information needed for filing.

In-Coming Transfers

In-coming transfers happen when another county transfers a case (cause) to the Harris County court system. An order is signed transferring the case (cause) to Harris

Website Updates

- Quick Links has moved to the menu and each menu item is in alphabetical order
- We have also added Google Translate to select many different languages to view our site

The screenshot displays the website for Marilyn Burgess, featuring a blue header with the name and a hamburger menu icon. The main content area includes a navigation menu with items like Home, About Us, Jury, Online Services, Civil, Protective Orders (Family Violence), Family, Criminal, Accounting, HR, In-Coming Transfers, Quick Links, Forms, Jury Services, Litigants without an Attorney, Mandated e-Filing Information, and Passport. A search bar is visible with the text "Search our Records and Documents". At the bottom, there is a "COURT ALERTS!" section and a "Select Language" dropdown menu. The footer mentions "Powered by Google Translate".

Website Updates

- Juvenile cases will be added to the Attorney Kiosk page only for those attorneys representing Juvenile delinquent cases after the rollout in January
- Future Projects
 - SB 6 – most of next year will deal with SB 6 changes to criminal
 - E-Hearing – continue to add enhancements

Presentation will be available on the e-Filing page

Questions?

