OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL

OFFICIAL DISTRICT COURT
MONTHLY REPORT INSTRUCTIONS

INDEX TO INSTRUCTIONS

LEGAL REQUIREMENTS 1

GENERAL INSTRUCTIONS 1

CRIMINAL SECTION

- Definition of Criminal Cases 2
- Criminal Case Type Categories 2
- Cases on Docket 3
- Dispositions 7
- Supplemental Information 9
- Additional Court Activity 10
- Request for Finding of Hate Crime 12

CIVIL SECTION

- Definition of Civil Cases 13
- Civil Case Type Categories 13
- Cases on Docket 14
- Dispositions 18
- Additional Court Activity 20

FAMILY LAW SECTION

- Definition of Family Law Cases 21
- Family Law Case Type Categories 21
- Cases on Docket 22
- Dispositions 27
- Additional Court Activity 29

JUVENILE SECTION

- Definition of Juvenile Cases 31
- Juvenile Case Type Categories 31
- Cases on Docket 32
- Adjudications 38
- Dispositions 40
- Additional Court Activity 41

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LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code and Chapter 171 of the Texas Administrative Code require each district clerk to submit a monthly activity report concerning the criminal, civil, family law and juvenile cases in the county's district courts.

Reports must be submitted each month **no later than 20 days following the end of the month for which data are reported**.

Unless OCA grants a waiver for good cause, the clerk **must submit the reports by electronic means**—by entering or uploading the data directly into the Court Activity Reporting and Directory System (http://card.txcourts.gov/).

Counties with a waiver for electronic reporting may use the Official District Court Monthly Report form or a printout from their case management system. Reports generated from a clerk's case management system should be an **exact replica** of the official monthly reporting form - *that is, all categories should follow the order on the monthly reporting form, no categories should be added or omitted, and no data should appear in areas that are shaded on the form.* The maximum duration of a waiver is one year, but OCA may approve successive waivers.

Section 71.035(a) of the Government Code requires copies of the monthly reports to be maintained in the office of the district clerk for a period of **at least two years** and to be made available to the public for inspection and reproduction.

Note about cases heard by the county courts at law: Cases that were filed in a district court or in the district clerk offices but were actually handled/disposed of by the county court(s) at law must be reported on the Statutory County Court form, not the District Court form. District Clerks are responsible for submitting a separate Statutory County Court report for case records maintained by their office (typically family and civil) that are handled by the county courts at law.

GENERAL INSTRUCTIONS

You must submit complete all sections of the report that are relevant to your court. **If your court has jurisdiction over a particular type of case, you must submit a report <u>each month</u>, even if your court had no activity.**

Include only that activity that occurred during the month for which you are submitting a report. If you need to make changes to the information for a previous month, you must submit an amended report. You should never adjust the current month's figures in an attempt to "fix" the information for previous months

CRIMINAL SECTION

Definition of Criminal Cases

For the purpose of these reports, the number of criminal cases reported on this monthly reporting form is based on the number of defendants named in an indictment or information.

1. If a single indictment or information names more than one defendant, it is counted as more than one case. For instance, if three defendants are named in one indictment, count this as three cases.

2. If the same defendant is charged in more than one indictment or information, it is counted as more than one case. For instance, if the same person is named in four separate indictments, count this as four cases.

3. Finally, if an indictment or information contains more than one count (Section 21.24, C.C.P.), report this as **one case** under the category for the **most serious offense alleged**. If all counts are of the same degree, report the case under the category for the first offense alleged.

Criminal Case Type Categories

The monthly report provides 15 categories for the reporting of felony cases and one for all misdemeanors. A complete alphabetized listing of the Penal Code and reporting categories is included as an appendix to these instructions and should be used as a reference source in determining the specific category in which to report a case.

All criminal cases are to be reported in one of the categories below.

1. **CAPITAL MURDER:** An offense under Penal Code Section 19.03 (Capital Murder).

2. **MURDER:** An offense under Penal Code Section 19.02 (Murder).

3. **OTHER HOMICIDES:** An offense under Penal Code Section 19.04 (Manslaughter), 19.05 (Criminally Negligent Homicide), or 49.08 (Intoxication Manslaughter).

4. **AGGRAVATED ASSAULT OR ATTEMPTED MURDER:** A **felony** offense under Penal Code Section 22.01 (Assault), 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 22.08 (Aiding Suicide); an offense under Penal Code Section 22.015 (Coercing, Soliciting or Inducing Gang Membership), 22.02 (Aggravated Assault), 22.041 (Abandoning or Endangering Child), 22.09 (Tampering with Consumer Product), or 22.11 (Harassment by Persons in Certain Correctional Facilities; Harassment of Public Servant); or an offense of attempt (as defined in Section 15.01) to commit: Murder (19.02) or Capital Murder (19.03).

5. **SEXUAL ASSAULT OF AN ADULT:** An offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is an adult (17 years or older).

6. **INDECENCY WITH OR SEXUAL ASSAULT OF A CHILD:** An offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is a child (younger than 17 years); an offense under Section 21.02 (Continuous Sexual Abuse of Young Child or Children); an offense under Section 21.11 (Indecency with a Child); or an offense under Section 21.12 (Improper Relationship Between Educator and Student).

7. **FAMILY VIOLENCE ASSAULT:** A **felony** offense under Penal Code Section 22.01(b)(2) against a person whose relationship to the defendant is described by Section 71.0021(b), 71.003, or 71.005 of the Family Code.

8. **AGGRAVATED ROBBERY OR ROBBERY:** An offense under Penal Code Section 29.03 (Aggravated Robbery) or 29.02 (Robbery).

9. **BURGLARY:** A **felony** offense under Penal Code Section 30.02 (Burglary) or 30.04 (Burglary of Vehicles).

10. **THEFT:** A **felony** offense under Chapter 31 of the Penal Code, **except** when the property involved is a motor vehicle; or a **felony** offense under Section 32.31 (Credit Card Abuse or Debit Card Abuse) or 33A.04 (Theft of Telecommunications Service).

11. **AUTOMOBILE THEFT:** A **felony** offense under Penal Code Section 31.03 (Theft) if the property involved is a motor vehicle, or an offense under Section 31.07 (Unauthorized Use of a Vehicle).

12. **DRUG SALE OR MANUFACTURE:** A **felony** offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), Ch. 482, Health and Safety Code (Simulated Controlled Substances), the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code), or Ch. 485, Health and Safety Code (Abusable Volatile Chemicals) for the manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance.

13. **DRUG POSSESSION:** A **felony** offense for possession under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code), other than possession with intent to deliver or sell.

14. **FELONY D.W.I.:** A **felony** offense under Penal Code Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), or 49.09 (Enhanced Offenses and Penalties). Also include an offense under Penal Code Section 49.07 (Intoxication Assault) when the case involves a motor vehicle.

15. **OTHER FELONIES:** A **felony** offense not clearly identifiable as belonging in one of the preceding categories, including cases previously categorized as forgery.

16. **ALL MISDEMEANORS:** Any offense classified as a misdemeanor.

NOTES: Cases involving preparatory offenses (criminal attempt, criminal conspiracy, criminal solicitation, and criminal solicitation of a minor) should be counted in the case category of the underlying offense (e.g., murder, assault, etc.).

For a list of DPS offenses codes classified by Judicial Council case categories, please see the spreadsheet posted at http://www.txcourts.gov/judicial-data/reporting-to-oca/judicial-council-trial-court-activity-reports/district-county-court-reports.aspx.

This section of the monthly report is designed to collect information concerning the criminal case activity in the district courts. The **CRIMINAL SECTION** is divided into five subsections: Cases on Docket, Dispositions, Supplemental Information, Additional Court Activity, and Request for Finding of a Hate Crime.

CASES ON DOCKET

Line 1. CASES PENDING FIRST OF MONTH

Report all criminal cases previously filed but not disposed of at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 9a and 9b) on the prior month's report. The online data entry system automatically fills in this line with the numbers that were reported in the previous month.

DOCKET ADJUSTMENT: If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered manually into the report.

A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 21 Capital Murder cases were pending at the end of September but 22 were pending as of October 1, enter "1" (21 + 1 = 22) in the Docket Adjustment line under Capital Murder in the report for October.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 40 Murder cases were pending at the end of September but 38 were pending as of October 1, enter "-2" (40 - 2 = 38) in the Docket Adjustment line under Murder in the report for October.

CASES ON DOCKET	Capital Murder	Murder	Other Homicides	Agg. Assault or Attempted Murder	Sexual Assault of an Adult	Indecency or Sexual Assault of a Child
1. CASES PENDING FIRST OF MONTH *(Should equal total criminal cases pending end of previous month.)*	21	40	61	80	61	80
DOCKET ADJUSTMENTS	1	-2				
CASES PENDING FIRST OF MONTH	22	38	61	80	61	80

CASES PENDING FIRST OF MONTH (Adjusted) *(Sum of Lines 1a and 1b.)*

Equals Line 1, plus or minus Docket Adjustments.

Line 1a. Active Cases

Report the number of cases that were active and awaiting disposition at the beginning of the month.

"Active cases" are those cases that the court has control over and are awaiting disposition.

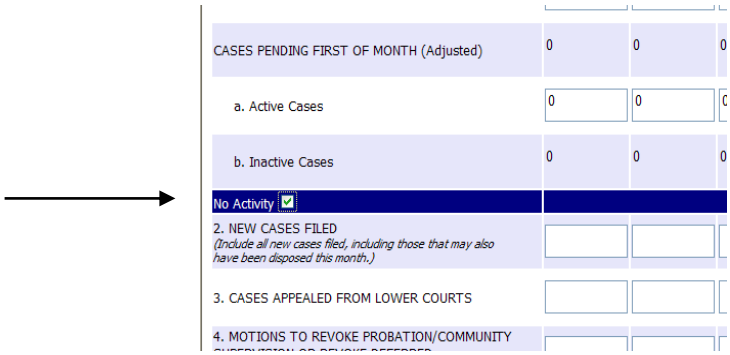
Line 1b. Inactive Cases

Report the number of cases at the beginning of the month that had been classified as inactive.

(See Line 8—Placed on Inactive Status for definition of an inactive case.)

NO ACTIVITY BOX

If the district court has criminal jurisdiction but there was no reportable activity during the month, check the **No Activity** box, enter your name at the end of the report, and press Submit.



Line 2. ORIGINAL CASES FILED BY INDICTMENT OR INFORMATION

Report the number of new felony cases filed by indictment or information[1] for each criminal category. Include all new cases filed during the month, even if they also were disposed of this month.

Line 3. MOTIONS TO REVOKE PROBATION/COMMUNITY SUPERVISION OR DEFERRED ADJUDICATION FILED

Report the number of cases that had previously been reported disposed but have been restored to the court's pending caseload due to the filing of a **motion to appear** or a **motion to revoke, modify, extend, or continue probation/community supervision or deferred adjudication**. Also include cases in which the defendant did not comply with pre-trial diversion program requirements. Report all relevant motions filed during the month, even if they were also disposed of this month.

If possible, report the motion under the case category for which the defendant was ultimately found guilty or placed on probation, community supervision, or deferred adjudication.

[1] An *information* results in a felony case when a waiver of indictment by the grand jury is filed and there is no indictment.

Line 4. CASES REACTIVATED

Report the number of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

This category includes:

- Cases in which the defendant was apprehended or otherwise became available for court proceedings; and

- Cases in which the proceedings were suspended due to a question of mental illness or mental retardation:

    - That were reactivated after an examination for determining unfitness to proceed;

    - That were reactivated after the court or a jury decided that the defendant was not committable for temporary or extended mental health services; or

    - That were reactivated after the defendant's completion of temporary or extended inpatient mental health treatment.

NOTES:

- *Reactivated cases are reported under the same offense reported when the original case was filed.*
- *A case should be reactivated on the date the warrant is executed or the date of the defendant's first hearing. (Clerks should use the event for which they have the best information.)*
- *Reactivated cases are reported even if they were also disposed during the month.*

Line 5. ALL OTHER CASES ADDED

Report all other cases added that do not fall in to the categories above. These may include:

- Cases returned from TDCJ for consideration of shock probation;
- Cases in which a motion for new trial has been granted (an order for a new trial is issued);
- Cases transferred from a county court at law or the County Court in the same county;
- Cases transferred from another county on change of venue; and
- Cases remanded from a higher court (an order to reinstate is received or a mandate is received that remands the case to the trial court for further proceedings).

Motions for new trial and notices of appeals are not counted.

NOTES:

- *These cases are reported even if they were also disposed during the month.*
- *Do **not** include competency hearings, which should be reported on Line 24, **Competency Hearings Held** in the **CRIMINAL SECTION—ADDITIONAL COURT ACTIVITY.** For the purpose of this report, a competency hearing is treated as a separate case from the original criminal case and is **not** reported as a disposition of the original criminal case.*
- *Do **not** include cases in which community supervision/probation is being transferred from another county. These cases are counted (on Line 3) only if a motion to revoke, modify, etc. is filed in the case.*

Line 6. TOTAL CASES ON DOCKET

The sum of active cases pending at the beginning of the month; original cases filed by indictment or information; motions to revoke probation, community supervision or deferred adjudication filed; cases reactivated; and all other cases added equals **Total Cases on Docket.**

Lines 1a + 2 + 3 + 4 + 5 = 6

Line 7. TOTAL CASES DISPOSED

Report the total number of cases disposed during the month. The figures reported on this line should be the same as the Total Cases Disposed entered on Line 17 of the Dispositions Section.

Line 8. PLACED ON INACTIVE STATUS

Report the number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload.

This category includes:

- Cases in which a directive to apprehend or warrant of arrest has been issued;
- Cases in which a defendant is being held elsewhere on federal charges;
- Cases stayed due to a question of mental illness or mental retardation;
- Cases stayed while a defendant undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the defendant is otherwise unavailable for adjudication.

Line 9. CASES PENDING END OF MONTH *(Sum of Lines 9a and 9b.)*

Line 9a. Active Cases

Report the number of cases that were active and awaiting disposition at the end of the month.

Line 6 minus the sum of Lines 7 & 8 = Line 9a

Line 9b. Inactive Cases

Report the number of cases at the end of the month that were classified as inactive.

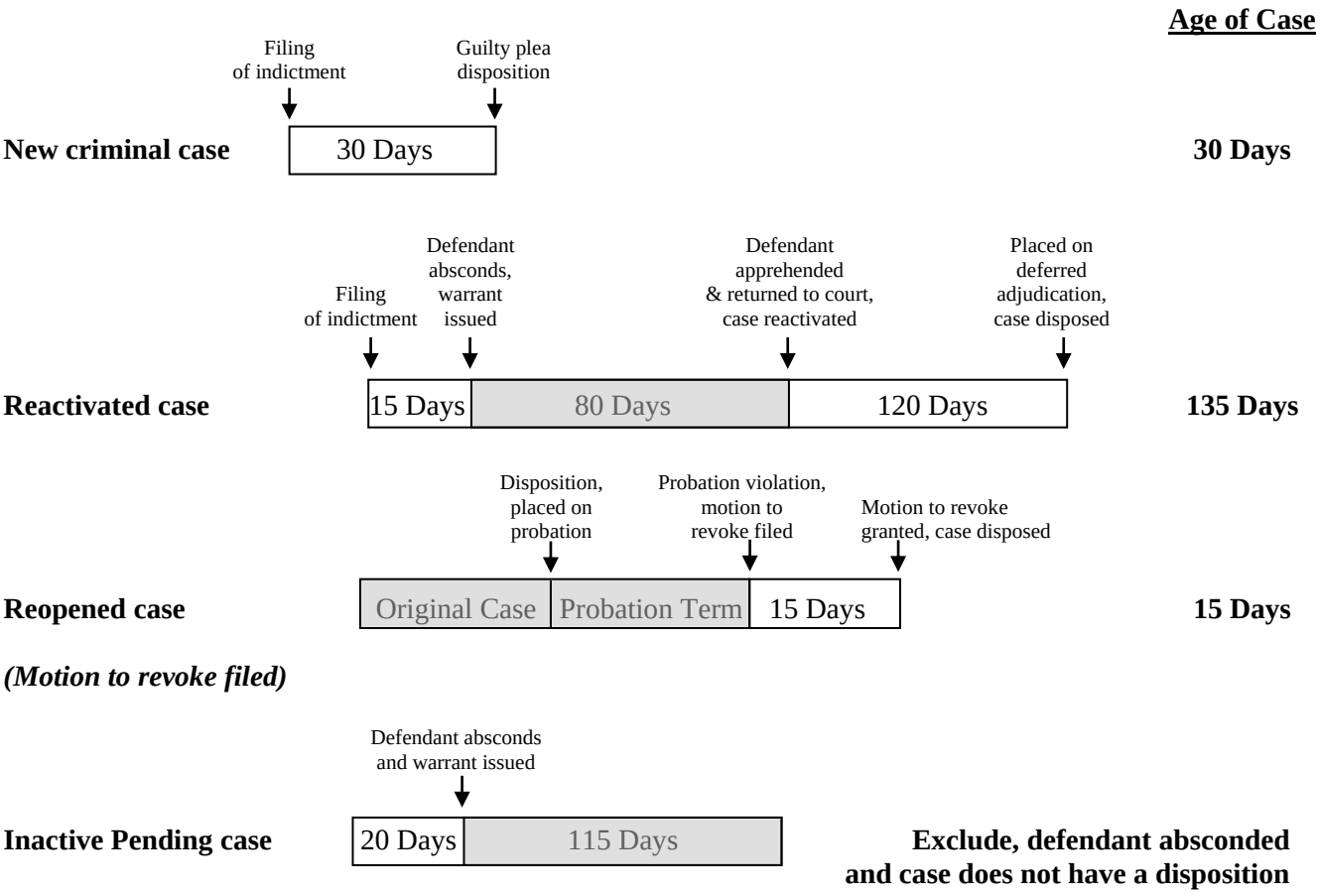
Line 1b minus Line 4 plus Line 8 = Line 9b

Line 10. AGE OF CASES DISPOSED

Report the length of time the cases that were disposed of during the month had been on the docket as an ***active case***. **The total number of cases reported MUST match the total number of dispositions reported in Line 7.**

Calculate this time span from the date the case or motion was filed in the court through the date on which it was disposed. **Any time that the case was placed in an inactive status is NOT included in this calculation.**

Below are examples of how the time is calculated.



NOTES:

- *For reactivated cases, the date of reactivation is the first date that the respondent appears in court after being apprehended.*
- *For reopened cases (motions to revoke), the date of reopening is the date the motion reopening the case (e.g., motion to revoke, etc.) is filed.*
- *For inactive cases, the date of inactivation is the date that an arrest warrant is issued.*

DISPOSITIONS

Under the appropriate case category, report the number of criminal cases disposed during the reporting period. **Report only one disposition per filing counted.**

The disposition of a case (even when it is for a lesser offense) **should be reported in the same case category as the original charge**. For instance:

- Capital murder reduced to murder is reported as capital murder;
- Robbery reduced to assault is reported as robbery;
- Burglary reduced to theft is reported as burglary;
- Drug sale reduced to drug possession is reported as drug sale; or
- Defendant indicted on a felony charge is convicted of a misdemeanor.

Line 11. CONVICTIONS

Report a case disposed by conviction in the **month in which the sentence is assessed.**

Line 11a. Guilty Plea or Nolo Contendere

Report the number of cases in which the defendant pled guilty or nolo contendere. Include cases in which the defendant pled guilty or nolo contendere after the start of a trial.

Line 11b. By the Court

Report the number of cases in which the defendant pled not guilty and was tried and found guilty by the judge.

Line 11c. By the Jury

Report the number of cases in which the defendant pled not guilty and was tried and **found guilty by a jury** (whether or not the sentence was imposed by the jury or the judge).

Line 12. PLACED ON DEFERRED ADJUDICATION

Report the number of cases in which the defendant was placed on deferred adjudication, probation, community supervision or pre-trial diversion. These cases should be reported **at the time the defendant is first placed on deferred adjudication, probation, community supervision or a pre-trial diversion program.**

NOTE: Do **not** include cases in which a motion to revoke was filed, the motion was denied, and deferred adjudication/probation/community supervision, etc. was continued. These cases are reported on Line 15b, ***Motions to Revoke Denied/Probation Continued.***

Line 13. ACQUITTALS

Line 13a. By the Court

Report the number of cases in which the defendant was found not guilty by the judge.

Line 13b. By the Jury

Report the number of cases in which the defendant was found not guilty by the jury.

Line 14. DISMISSALS

Report all cases disposed by dismissal, including, but not limited to, cases dismissed due to reasons such as:

- insufficient evidence;
- defendant was convicted in another case;
- Speedy Trial Act limitations were not met;
- case was dismissed in order to be refiled;
- defendant was unapprehended;
- defendant was granted immunity for testimony;

- a combination of reasons; and
- unknown or unspecified reasons.

Do not include dismissals following completion of deferred adjudication, probation, community supervision, or a pre-trial diversion program, as these cases are reported as disposed of at the time deferred adjudication or probation was granted. The only way these cases would be counted again on the report is when there is a motion to revoke filed. A hearing for these matters should be counted under **Cases Set for Review** in the Additional Court Activity Section.

Line 15. MOTIONS TO REVOKE PROBATION/COMMUNITY SUPERVISION OR DEFERRED ADJUDICATION

a. Granted/Revoked

Report the number of cases in which a motion to revoke probation/community supervision or deferred adjudication was granted and the **probation/community supervision or deferred adjudication was revoked**. Include cases in which deferred adjudication was revoked and the defendant was placed on probation.

b. Denied/Continued

Report cases in which a motion to revoke probation/community supervision or deferred adjudication is denied or held in abeyance, or **probation/community supervision or deferred adjudication is continued, modified, or extended.**

NOTE: Report the disposition of a motion to appear in either Line 15a or 15b depending on the outcome.

Line 16. ALL OTHER DISPOSITIONS

Report all dispositions not clearly identifiable in any of the preceding categories. Examples include:

- transfers on change of venue to a district court in **another** county;
- transfers to county-level courts in your county when the case is reduced to a misdemeanor; and
- shock probations — cases in which the defendant is placed on probation following his return from shock commitment to the Texas Department of Criminal Justice;
- orders placing a defendant's supervision in abeyance; and
- admissions of unadjudicated offense (Penal Code, Sec. 12.45).

Line 17. TOTAL CASES DISPOSED

Enter the sum of Lines 11 through 16 under each category. These totals should be the same as those reported on Line 7, ***Total Cases Disposed***.

SUPPLEMENTAL INFORMATION

Line 18. CASES WHERE DEATH PENALTY SOUGHT and
Line 19. CASES WHERE DEATH PENALTY NOT SOUGHT

For the capital murder cases reported **disposed of by conviction, deferred adjudication, acquittal, or dismissal** during the month, indicate the number of cases in which the death penalty was sought

and the number of cases in which it was not sought.

Line 20. SENTENCING INFORMATION

For the cases reported as convictions in Lines 11 a through c, indicate the number of cases in which the defendants were:

a. Committed Directly to Prison (TDCJCID)
b. Committed Directly to State Jail
c. Committed Directly to Local Jail
d. Sentenced to Probation/Community Supervision with or without Jail as a Condition
e. Sentenced to Shock Probation
f. Fine Only
g. Other

NOTES:

- *Each case should be reported in the same case category as the original charge. For example, a case in which a capital murder charge was reduced to murder should be reported under the capital murder case category.*
- *Report only 1 sentence per case disposed by conviction.*
- *Report the sentence that the defendant was given, not what the defendant actually served.*

ADDITIONAL COURT ACTIVITY

Report any of the activity below that occurred during the month, regardless of whether the case was actually disposed during the month.

Line 21. CASES IN WHICH JURY WAS SELECTED

Report the number of cases in which a jury panel was selected.

Line 22. CASES IN WHICH MISTRIAL DECLARED

Report the number of cases in which a mistrial was declared.

Line 23. MOTION TO SUPPRESS HEARINGS HELD

Report the number of motions to suppress that were granted or denied. These motions should be counted whether they were part of a regular trial or were addressed with a separate hearing.

Line 24. COMPETENCY HEARINGS HELD

Report the number of competency hearings held pursuant to Chapter 46B, Code of Criminal Procedure. The hearing should be counted on the date the judge signs the order of commitment or release on bail (if the defendant is found to be incompetent for trial), or the date the judge or a jury decides that the defendant is competent for trial.

Line 25. CASES SET FOR REVIEW

Report the number of criminal cases in which an initial judgment has been entered, or in which the defendant is participating in a diversion program, that **were set during the month for a regularly scheduled review** involving a hearing before a judicial officer.

Examples include:

- regularly scheduled status hearings in drug courts, mental health courts, DUI courts, family violence courts, etc.;
- compliance hearings in other courts to monitor whether defendants are paying costs and satisfying other conditions; and
- judicial summons on community supervision.

Line 26. CASES WHERE ATTORNEY APPOINTED AS COUNSEL

Report the number of criminal cases in which an attorney was appointed by the court.

NOTES:

- *In criminal cases, an application for indigency and order of appointment must be filed in order for an attorney to be appointed to the case.*
- *Report each case in which an attorney was appointed by the court* ***regardless*** *of whether a trial was held.*
- *Report the case only in the* ***month in which the appointment was made****.*
- ***Do not report more than one appointment of an attorney to the same case****.*

Line 27. CASES WITH RETAINED COUNSEL

Report the number of cases in which the defendant had retained counsel **at the time of the disposition** of the case.

Line 28. CASES FILED FOR TRAFFICKING OF PERSONS

Report the number of cases in which the defendant was charged with trafficking of persons under Section 20A.02, Penal Code.

Line 29. CASES FILED FOR PROSTITUTION

Report the number of cases in which the defendant was charged with prostitution under Section 43.02, Penal Code.

Line 30. CASES FILED FOR COMPELLING PROSTITUTION

Report the number of cases in which the defendant was charged with compelling prostitution under Section 43.05, Penal Code.

REQUEST FOR FINDING OF A HATE CRIME

LEGAL REQUIREMENTS

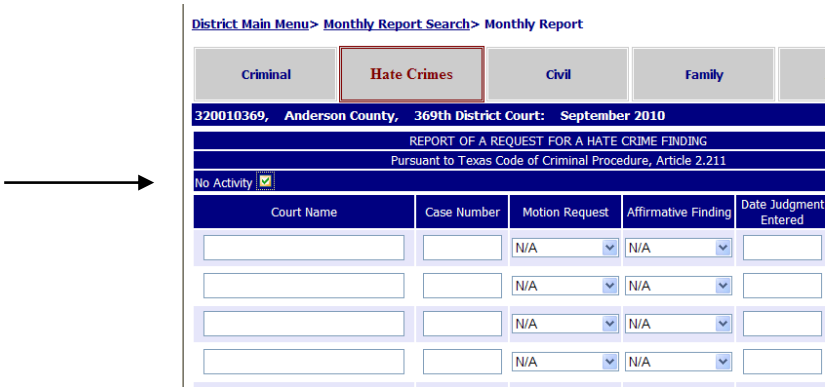
Article 2.211 of the Code of Criminal Procedure provides that a report must be filed by the district or county clerk for each case in which a request is made for an affirmative finding under Article 42.014, Finding that Offense was Committed Because of Bias or Prejudice, Code of Criminal Procedure, along with a statement as to whether the request was granted by the court and, if so, whether the affirmative finding was entered in the judgment in the case.

The report must be submitted to the Texas Judicial Council (Office of Court Administration) no later than the 30th day after the date the judgment was entered in the case.

INSTRUCTIONS

NO ACTIVITY BOX

If the district courts have criminal jurisdiction but there was no reportable activity during the month, check the **ANo Activity** box, enter your name at the end of the report, and press Submit.



If a request for a hate crime finding was made:

Line 1. Enter the name of the court that heard and ruled on the motion for an affirmative finding (e.g., 1st District Court).

Line 2. Enter the case number.

Line 3. Indicate whether the motion was granted, denied, or withdrawn.

Line 4. Indicate whether an affirmative finding was entered in the judgment of the case.

Line 5. Enter the date the judgment was entered in the case.

CIVIL SECTION

Definition of Civil Cases

A civil case does not depend on the number of persons or causes of action involved. For the purpose of these reports, a single civil case is counted and reported when:

1. An original petition is filed (no matter how many parties or causes of action are involved), or

2. Some other case is filed.

Civil Case Type Categories

1. **INJURY OR DAMAGE—MOTOR VEHICLE:** All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases that involve motor vehicles.

2. **INJURY OR DAMAGE—MEDICAL MALPRACTICE:** Cases that allege misconduct or negligence by a person or entity in the medical profession (doctors, nurses, physician assistants, dentists, etc. and their firms: hospitals, nursing homes, etc.) acting in a professional capacity, thereby causing physical or financial harm.

3. **INJURY OR DAMAGE—OTHER PROFESSIONAL MALPRACTICE:** Cases that allege misconduct or negligence by a person or entity not in the medical profession (lawyers, accountants, architects, etc. and their firms) acting in a professional capacity, thereby causing physical or financial harm.

4. **INJURY OR DAMAGE—PRODUCT LIABILITY—ASBESTOS/SILICA:** Cases involving the alleged responsibility of the manufacturer or seller for an injury caused to a person or property by exposure to, or ingestion of, asbestos or silica or an alleged breach of duty to provide suitable instructions to prevent injury.

5. **INJURY OR DAMAGE—OTHER PRODUCT LIABILITY:** All other cases, not involving asbestos or silica, involving the alleged responsibility of the manufacturer or seller of an article for an injury caused to a person or property by a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

6. **OTHER INJURY OR DAMAGE:** All other cases not falling into categories 1 through 5 above alleging an injury or wrong committed against a person, their reputation, or their property by a party who either did something that he was obligated not to do or failed to do something that he was obligated to do. Examples include damages on premises, "slip-and-fall" cases, construction damages, assault, battery, animal attack, vandalism, slander/libel/defamation, malicious prosecution, and false imprisonment.

7. **REAL PROPERTY—EMINENT DOMAIN:** Suits by a unit of government or a corporation with the power of eminent domain for the taking of private land for public use; or cases in which a property owner challenges the amount of remuneration offered by the government for the taking of a parcel of land.

8. **OTHER REAL PROPERTY:** All other cases involving real property. Examples include disputes over the ownership, use, boundaries, or value of real property, including trespass to try title.

9. **CONTRACT—CONSUMER/COMMERCIAL/DEBT:** Cases involving a buyer of goods or services bringing a suit against the seller for failure either to deliver said goods or services or to honor a warranty as promised in an expressed or implied contract. Also, cases involving a seller of goods or services bringing a suit against a buyer for failure to pay for said goods or services as promised in an expressed or implied contract (debt collection). Examples include agreements, breach of contract, contracts, fraud, notes, sworn accounts, debts, and assignment of creditors.

10. **OTHER CONTRACT:** All other cases involving a dispute over an agreement, express or implied, between two parties. Examples include employment cases (including discrimination, retaliation, termination, and other employment cases), landlord/tenant disputes, mortgage foreclosures, home owners' association disputes, etc.

11. **CIVIL CASES RELATING TO CRIMINAL MATTERS:** All civil cases associated with criminal matters, including bond forfeiture, expunction, nondisclosure, occupational license, seizure and forfeiture, extradition, contempt (in criminal cases only), and writ of habeas corpus (in criminal cases only) cases. Include petitions for relief from a firearms disability related to criminal cases (Sec. 574.088, Health and Safety Code).

12. **OTHER CIVIL CASES:** All non-tax civil cases not clearly identifiable as belonging in one of the preceding categories. Include occupational license cases in civil and family matters and cases appealing the finding of a lower court, department, or administrative agency (e.g., workers' compensation, business dissolution, liquor license appeal, etc.). Include petitions for relief from a firearms disability related to an involuntary mental health commitment case (Sec. 574.088, Health and Safety Code) or guardianship case (Sec. 1202.201, Estates Code).

13. **TAX CASES:** Suits brought by governmental taxing entities against an individual or business for the collection of taxes.

This section of the monthly report is designed to report information concerning the civil case activity of the district courts. The **CIVIL SECTION** is divided into three subsections: Cases on Docket, Dispositions, and Additional Court Activity.

CASES ON DOCKET

Line 1. CASES PENDING FIRST OF MONTH

Report all civil cases previously filed but not disposed of at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 9a and 9b) on the prior month's report. The online data entry system automatically fills in this line with the numbers that were reported in the previous month.

DOCKET ADJUSTMENT: If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered manually into the report.

A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 4 Injury or Damage—Motor Vehicle cases were pending at the end of September but 5 were pending as of October 1, enter "1" (4 + 1 = 5) in the Docket Adjustment line under Injury or Damage—Motor Vehicle in the report for October.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 4 Injury or Damage—Other than Motor Vehicle cases were pending at the end of September but 3 were pending as of October 1, enter "-1" (4 - 1 = 3) in the Docket Adjustment line under Injury or Damage—Other than Motor Vehicle in the report for October.

CASES ON DOCKET	Injury or Damage		Real Property	C Co
	Motor Vehicle	Other Injury or Damage		
1. CASES PENDING FIRST OF MONTH *(Should equal total cases pending end of previous month.)*	4	4	4	4
DOCKET ADJUSTMENTS	1	-1	-4	
CASES PENDING FIRST OF MONTH (Adjusted)	5	3	0	4
a. Active Cases	5	3	0	4
b. Inactive Cases	0	0	0	0

CASES PENDING FIRST OF MONTH (Adjusted) *(Sum of Lines 1a and 1b.)*

Equals Line 1, plus or minus Docket Adjustments.

Line 1a. Active Cases

Report the number of cases that were active and awaiting disposition at the beginning of the month.

"Active cases" are those cases that the court has control over and are awaiting disposition.

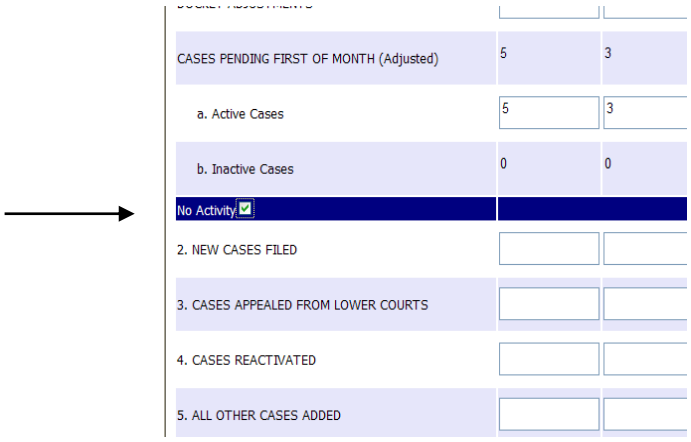
Line 1b. Inactive Cases

Report the number of cases at the beginning of the month that had been classified as inactive.

(See Line 7—Placed on Inactive Status for definition of an inactive case.)

NO ACTIVITY BOX

If the district court has civil jurisdiction but there was no reportable activity during the month, check the **No Activity** box, enter your name at the end of the report, and press Submit.



Line 2. NEW CASES FILED DURING THE MONTH

Report the total number of original petitions filed during the month. Include all new cases, including those that also may have been disposed of during the month. **Do not report the filing of amended or supplemental petitions.**

Line 3. CASES REACTIVATED

Report the number of cases that **had previously been placed in an inactive pending status**, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Examples include:

- Reinstated cases that were classified as inactive and had not yet been disposed of;
- Cases returned from arbitration;
- Cases in which a bankruptcy stay has been lifted;
- Cases in which there is a substitution of parties after suggestion of death;
- Cases removed from a "hold for judgment/settlement" status if a motion for rehearing or new trial is granted or if the case is returned to active status for a hearing or trial due to a breach of the settlement agreement; and
- Cases removed from abatement for any other reason.

NOTES:

- *A case should be "reactivated" only if it was put in some sort of an inactive status (abated, bankruptcy stay, etc.). A case that was previously disposed of but is being restored to the active docket should be counted as "reopened" and should therefore be reported in* ***All Other Cases Added*** *line.*
- *Reactivated cases are reported under the same case category reported when the original petition or motion was filed.*
- *Reactivated cases are reported even if they were also disposed during the month.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. These are cases that are "reopened."

Include cases in which:

(1) a motion for new trial is granted in a case that had previously been reported as disposed of (an order for a new trial is issued);
(2) a case that had previously been reported as disposed of is reinstated to the court's active docket;
(3) a case is transferred from another county on change of venue;
(4) a case is transferred from a county court at law or the County Court in the same county;
(5) a case that had previously been reported as disposed of is remanded from a higher court (an order to reinstate is received or a mandate is received that remands the case to the trial court for further proceedings);
(6) a severance is ordered which splits one case into two or more cases;
(7) a writ of garnishment is docketed;
(8) a bill of review is docketed;
(9) a petition for writ of sequestration is filed;
(10) a petition for declaratory judgment is filed;
(11) a motion for a turnover order is filed; and
(12) a case involves similar matters that are not reported elsewhere.

The following are types of pre-trial motions that are **not** to be included:

(1) motions to dismiss;
(2) motions for continuance;
(3) motions for change of venue;
(4) motions for production of documents;
(5) motions for appointment of master, receiver, etc.;
(6) motions for substitution or withdrawal of counsel;
(7) motions to recuse judge;
(8) motions for substituted service;
(9) motions to take judicial notice of law of other state;
(10) motions for severance;
(11) motions to consolidate; and
(12) motions for separate trials.

Motions for new trial and notices of appeals are not counted.

NOTES:

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*

Line 5. TOTAL CASES ON DOCKET

To calculate the **Total Cases on Docket**, add the active cases pending at the beginning of the month, new cases filed, reactivated cases, and all other cases added.

Lines 1a + 2 + 3 + 4 = Line 5

NOTES:

- Many of the cases that were filed during this reporting period may also have been disposed of in the same month. These cases are still included here.
- This line will calculate automatically if you are submitting your report online.

Line 6. TOTAL CASES DISPOSED

Report the total number of cases disposed during the month. The figures reported on this line should be the same as the Total Dispositions entered on Line 20 of the Dispositions Section.

Line 7. CASES PLACED ON INACTIVE STATUS

Report the number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload.

This category includes, but is not limited to:

- Cases ordered to arbitration (in which there are **no further proceedings** in the court until the case is returned from arbitration);
- Cases in which a notice or suggestion of bankruptcy is filed;
- Cases delayed due to the Soldiers' & Sailors' Civil Relief Act;
- Cases in which a suggestion of death is filed;
- Cases placed in "hold for judgment/settlement" status—cases in which the issues have been resolved but the proceedings are "on hold" pending settlement to be completed or final judgment to be signed; and
- All other cases ordered abated by a judge.

Line 8. CASES PENDING END OF MONTH *(Sum of Lines 8a and 8b.)*

Line 8a. Active Cases

Report the number of cases that were active and awaiting disposition at the end of the month.

Line 5 minus the sum of Lines 6 & 7 = Line 8a

Line 8b. Inactive Cases

Report the number of cases at the end of the month that were classified as inactive.

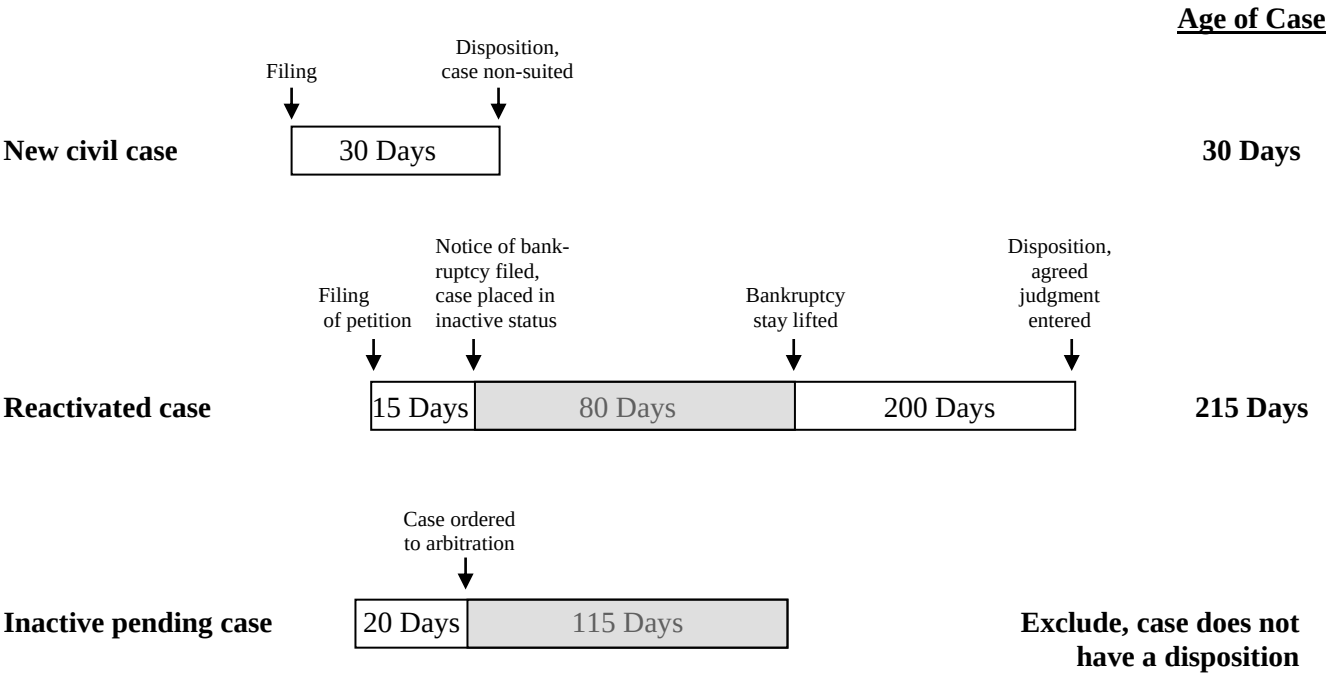
Line 1b minus Line 3 plus Line 7 = Line 8b

Line 9. AGE OF CASES DISPOSED

Report the length of time the cases that were disposed of during the month had been on the docket as an ***active case***. **The total number of cases reported MUST match the total number of dispositions reported in Line 6.**

Calculate this time span from the date the petition or motion was filed in the court through the date on which it was disposed. **Any time that the case was placed in an inactive status is <u>NOT</u> included in this calculation.**

Below are examples of how the time is calculated.



DISPOSITIONS

In this section, report the number of civil cases disposed during the month under the appropriate case category. A civil case is considered **disposed when a final judgment has been entered**, even if the case is eventually appealed.

Report only one disposition per filing counted. Report dispositions in the same case category under which the cases were filed. Choose the most appropriate disposition classification (Lines 10-19).

Line 10. CHANGE OF VENUE TRANSFERS

Report the number of cases transferred:

- To a county court at law or the County Court in the county;
- To another county on change of venue; and
- To a federal court (notice of removal received).

Line 11. DEFAULT JUDGMENTS

Report the number of cases in which the judgment was reached by default—the defendant, though served, failed to appear and answer, and judgment by default was granted in favor of the plaintiff.

Line 12. AGREED JUDGMENTS

Report cases in which the court entered a judgment based upon the mutual agreement of the parties involved in the suit.

Line 13. SUMMARY JUDGMENTS DISPOSING OF CASES

Report cases in which **all** issues were disposed of by summary judgment. **Do not report partial summary judgments**, which dispose of only a portion of a case, as dispositions.

Line 14. FINAL JUDGMENTS AFTER NON-JURY TRIAL

Report cases in which the decision was reached after a trial or hearing by the judge, without a jury.

Line 15. FINAL JUDGMENTS BY JURY VERDICTS

Report the number of judgments entered after trial based on the verdict of a jury.

Line 16. FINAL JUDGMENTS BY DIRECTED VERDICTS OR JUDGMENT N.O.V.

Report cases in which a judgment was reached after a jury trial by a directed verdict by the court. Also include here any judgments notwithstanding the verdict (JNOV or "Non Obstante Veredicto").

Line 17. CASES DISMISSED FOR WANT OF PROSECUTION

Report cases dismissed because the plaintiff or petitioner did not appear or otherwise made no effort to pursue his case.

Line 18. CASES NON-SUITED OR CASES DISMISSED BY PLAINTIFF

Report cases in which a dismissal was entered at the request of the plaintiff or petitioner. Also include cases dismissed by agreement of both parties.

Line 19. ALL OTHER DISPOSITIONS

Report those events which remove a case from the docket, but are not clearly identifiable as any of the preceding types of dispositions.

Line 20. TOTAL CASES DISPOSED

Report the sums of Lines 10 through 19 under the appropriate categories.

Lines 10 + 11 + 12 +13 + 14 + 15 +16 + 17 + 18 + 19 = Line 20

ADDITIONAL COURT ACTIVITY

This part of the **CIVIL SECTION** is designed to report information on court activity that occurred during the month, regardless of whether the case was disposed of during the same month.

Line 21. CASES IN WHICH JURY SELECTED

Report the number of cases in which a jury panel was selected.

Line 22. CASES IN WHICH MISTRIAL DECLARED

Report the number of cases in which a mistrial was declared.

Line 23. INJUNCTION OR SHOW CAUSE ORDER ISSUED

Report the number of injunctions (including temporary restraining orders) or show cause orders issued in a case **before entry of original judgment**.

Line 24. CASES IN WHICH PLAINTIFF/PETITIONER REPRESENTED SELF

Report the number of civil cases in which the plaintiff/petitioner indicated that he/she was representing himself/herself without an attorney at the time of filing of the original petition.

In a case with multiple plaintiffs/petitioners, report the case only if the plaintiff/petitioner who completed the Case Information Sheet filed with the original petition indicated he or she was self-represented (*pro se*).

FAMILY LAW SECTION

Definition of Family Law Cases

A family law case does not depend on the number of persons or causes of action involved. For the purpose of these reports, a single family law case is counted and reported when:

1. An original petition is filed (no matter how many parties, children or causes of action are involved), or

2. A show cause motion, motion to modify, or similar motion is filed following entry of original judgment, or

3. Some other case is filed.

Family Law Case Type Categories

1. **DIVORCE—CHILDREN:** Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code that also include a suit affecting the parent-child relationship due to the existence of children born or adopted of the marriage who are under 18 years of age or who are otherwise entitled to support as provided by Ch. 154, Family Code. Include petitions for annulment and petitions to declare a marriage void.

2. **DIVORCE—NO CHILDREN:** Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code. Include petitions for annulment and petitions to declare a marriage void.

3. **PARENT-CHILD—NO DIVORCE:** Cases involving issues of custody, support, paternity, visitation (by parents, grandparents or other family members) that do not involve a current or previously decided divorce/marriage dissolution case. Include voluntary legitimation of paternity (Section 160.201, Family Code). **Do not include cases filed by the Title IV-D Agency (Office of Attorney General).**

4. **CHILD PROTECTIVE SERVICES:** Cases filed under Ch. 262 of the Family Code on behalf of the Department of Family and Protective Services; a motion in aid of investigation filed under Section 261.303 of the Family Code; a motion to participate filed under Section 264.203 of the Family Code; or a civil action filed by the Department requesting a determination of an at-risk child under Section 264.303 of the Family Code.

5. **TERMINATION OF PARENTAL RIGHTS:** Cases filed under Ch. 161 of the Family Code requesting that the court extinguish the legal relationship of parent and child. ***NOTE:*** If a case also includes a petition for adoption, do not report the case in this category; report the case under Adoption. If a case also includes a child protection matter (defined above), do not report the case in this category; report the case under Child Protection.

6. **ADOPTION:** Cases filed under Ch. 162 of the Family Code requesting the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally. Include gestation agreements. ***NOTE:*** Report all adoption cases here, whether or not they also include a petition for termination of parental rights.

7. **PROTECTIVE ORDERS—NO DIVORCE:** Cases filed under Ch. 82, Family Code, requesting an order designed to limit or eliminate contact between two or more family/household members or individuals involved in a dating relationship. ***NOTES:*** Report applications for protective orders filed in suits for dissolution of marriage under Protective Orders Signed (Line 24), if relevant. Report cases involving protective orders for victims of sexual assault or abuse, stalking or trafficking (Ch. 7A, Code of Criminal Procedure) under All Other Civil Cases in the CIVIL section. Report all protective orders **signed** in any type of case, including those mentioned above, under Protective Orders Signed (Line 24).

8. **TITLE IV-D—PATERNITY:** Cases filed by the Title IV-D Agency (Office of Attorney General) requesting a determination of parentage under Ch. 160, Family Code and the setting of a child support obligation. These cases may also involve custody and visitation issues. The pleading is most often styled *Petition to Establish the Parent-Child Relationship*.

9. **TITLE IV-D—SUPPORT ORDER**: Cases filed by the Title IV-D Agency (Office of Attorney General) requesting the setting of a child support obligation where the parentage of the child has been established by an Acknowledgment of Paternity or the child was born during the marriage. These cases may also involve custody and visitation issues. The pleading is most often styled *Suit Affecting the Parent-Child Relationship*.

10. **TITLE IV-D—UIFSA:** Cases filed by the Title IV-D Agency (Office of the Attorney General) seeking to establish a Texas child support order. The issue of paternity may be addressed. UIFSA cases are distinguished by the fact that not all parties reside in Texas. Issues of custody and visitation are not generally involved.

    NOTES: Report suits or motions to enforce or modify a Texas or non-Texas order under Ch. 159, Family Code in *Post-Judgment Actions: Title IV-D*.

    Report UIFSA suits not filed by the Title IV-D Agency under:
    - $ *Parent-Child—No Divorce*, if the case does not involve a current or previously decided divorce/marriage dissolution case;
    - $ *Post-Judgment Actions: Modification—Other*, if the case involves a previously decided divorce/marriage dissolution case and a modification is being sought; or
    - $ *Post-Judgment Actions: Enforcement*, if the case involves a previously decided divorce/marriage dissolution case and an enforcement action is being sought.

    If the suit is filed as part of a current divorce/marriage dissolution case, the UIFSA petition should not be counted.

11. **ALL OTHER FAMILY CASES:** Includes all cases filed under the Family Code that are not reported elsewhere, including, but not limited to:

    a. Judicial bypass of parental notification of abortion (Sec. 33.003, Family Code);
    b. Changes of name (Ch. 45, Family Code);
    c. Adult adoptions (Sec. 152.502, Family Code);
    d. Removal of disability of minority (Ch. 31, Family Code);
    e. Removal of disability of minority for marriage (Section 2.103, Family Code);
    f. Suits for parental liability for damages caused by conduct of child (Ch. 41, Family Code); and
    g. Suits for liability for interference with possession of a child (Ch. 42, Family Code).

    Also include changes of information on birth certificate (Ch. 192, Health and Safety Code) or a delayed birth certificate.

POST-JUDGMENT ACTIONS

1. **MODIFICATION—CUSTODY:** Post-judgment suits or motions filed pursuant to Subchapter B, Ch. 156, Family Code, for modification of an order that provides for the conservatorship of, possession of, or determination of residence of a child (e.g., motions to modify conservatorship (custody), motions to modify right to determine primary residence of child, motions for further orders of the court).

2. **MODIFICATION—OTHER:** Post-judgment suits or motions requesting modification of orders not involving custody of a child, including, but not limited to:

    a. Suits filed pursuant to Subchapter B, Ch. 156, Family Code for modification of an order that provides for the access to a child (motions to modify visitation privileges; motions to modify rights, privileges and duties of conservator);

    b. Suits filed pursuant to Subchapter C, Ch. 156, Family Code for modification of an order that provides for the support of a child (motions to modify or set child support; motions to terminate wage withholding; motions for further orders of the court); and

    c. Suits filed pursuant to Section 8.057, Family Code for modification of an order that provides for spousal maintenance (petition to terminate/modify order/writ of income withholding).

3. **ENFORCEMENT:** Post-judgment suits or motions requesting the enforcement of a final order, including, but not limited to:

    a. Motions filed pursuant to Ch. 157, Family Code to enforce a final order for conservatorship, child support, possession of or access to a child, property provisions, injunctions, or other provisions of a final order (e.g., motions for contempt; motions for enforcement of judgments or prior orders; motions to revoke community supervision/probation for failure to pay child support);

    b. Suits to enforce a divorce or annulment decree filed pursuant to Ch. 9, Family Code (petition for enforcement of property division; petitions to divide assets not divided on divorce or annulment; post-decree qualified domestic relations orders); and

    c. Suits to enforce spousal maintenance filed pursuant to Ch. 8, Family Code.

    NOTE: If a suit contains both a motion for modification and a motion for enforcement, count the case as a **Modification** under the appropriate category.

4. **TITLE IV-D:** Suits or motions filed by the Title IV-D agency (Office of the Attorney General) pursuant to Chs. 156, 157 or 159, Family Code, to enforce and/or modify a child support obligation.

This section of the monthly report is designed to report information concerning the family law case activity of the district courts. The **FAMILY LAW SECTION** is divided into three subsections: Cases on Docket, Dispositions, and Additional Court Activity.

CASES ON DOCKET

Line 1. CASES PENDING FIRST OF MONTH

Report all family cases previously filed but not disposed of at the beginning of the month.

These figures should be the <u>same</u> as those reported for **Cases Pending End of Month** (Lines 8a and 8b) on the prior month's report. The online data entry system automatically fills in this line with the numbers that were reported in the previous month.

DOCKET ADJUSTMENT: If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment <u>must be entered manually</u> into the report.

A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 5 Divorce with Children cases were pending at the end of September but 7 were pending as of October 1, enter "2" (5 + 2 = 7) in the Docket Adjustment line under Divorce with Children in the report for October.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 5 Divorce with No Children cases were pending at the end of September but 4 were pending as of October 1, enter "-1" (5 - 1 = 4) in the Docket Adjustment line under Divorce with No Children in the report for October.

CASES ON DOCKET	Divorce		Parent Child - No Divorce	Child Protective Services	Termination of Parental Rights	Adoption
	Children	No Children				
1. CASES PENDING FIRST OF MONTH *(Should equal total family law cases pending end of previous month.)*	5	5	5	5	5	5
DOCKET ADJUSTMENTS	2	-1				
CASES PENDING FIRST OF MONTH (Adjusted)	7	4	5	5	5	5
a. Active Cases	5	4	5	5	5	5
b. Inactive Cases	2	0	0	0	0	0

CASES PENDING FIRST OF MONTH (Adjusted) *(Sum of Lines 1a and 1b.)*

Equals Line 1, plus or minus Docket Adjustments.

Line 1a. Active Cases

Report the number of cases that were active and awaiting disposition at the beginning of the month.

"Active cases" are those cases that the court has control over and are awaiting disposition.

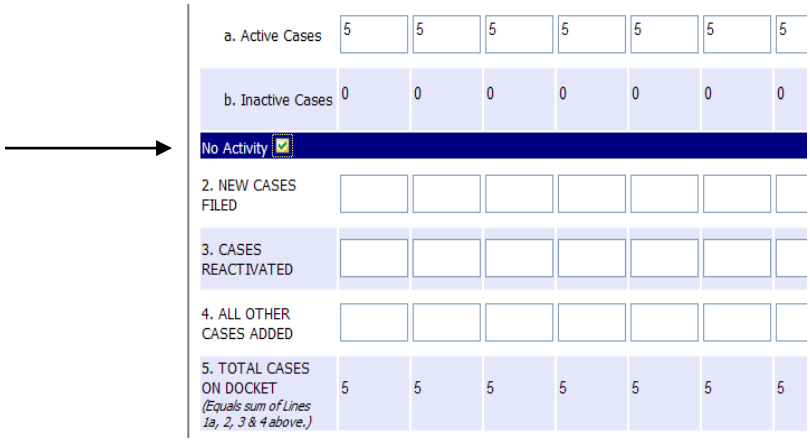
Line 1b. Inactive Cases

Report the number of cases at the beginning of the month that had been classified as inactive.

(See Line 7—Placed on Inactive Status for definition of an inactive case.)

NO ACTIVITY BOX

If the county court at law has family jurisdiction but there was no reportable activity during the month, check the **No Activity** box, enter your name at the end of the report, and press Submit.



a. Active Cases	5	5	5	5	5	5	5
b. Inactive Cases	0	0	0	0	0	0	0
No Activity ☑							
2. NEW CASES FILED							
3. CASES REACTIVATED							
4. ALL OTHER CASES ADDED							
5. TOTAL CASES ON DOCKET *(Equals sum of Lines 1a, 2, 3 & 4 above.)*	5	5	5	5	5	5	5

Line 2. NEW CASES FILED DURING THE MONTH

Report the total number of original petitions filed during the month. Include all new cases, including those that also may have been disposed of during the month.

NOTE: *Do **not** report the filing of amended or supplemental petitions.*

Line 3. CASES REACTIVATED

Report the number of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Examples include:

- Reinstated cases that were classified as inactive and had not yet been disposed of;
- Cases returned from arbitration;
- Cases in which a bankruptcy stay has been lifted;
- Abated collaborative law cases (Section 153.0072, Family Code) in which a reinstatement order entered so that the court may take further action in the case (to approve the settlement agreement, review status report, grant motion for continuance, set suit for trial, dismiss suit without prejudice, etc.);
- Cases in which there is a substitution of parties after suggestion of death;
- Cases removed from a "hold for judgment/settlement" status if a motion for rehearing or new trial is granted or if the case is returned to active status for a hearing or trial due to a breach of the settlement agreement;
- Cases in which there is an order to withdraw a capias; and
- Cases removed from abatement for any other reason.

NOTES:

- *A case should be "reactivated" only if it was put in some sort of an inactive status (abated, bankruptcy stay, etc.). A case that was previously disposed of but is being restored to the active docket should be counted as "reopened" and should therefore be reported in **All Other Cases Added** line.*

- *Reactivated cases are reported under the same case category reported when the original petition or motion was filed.*
- *Reactivated cases are reported even if they were also disposed during the month.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. These are cases that are "reopened."

Include:

- motions to terminate parent-child relationship filed under the *old* case number *(**NOTE**: If filed under a new case number, report these as a new case filed (Line 2) under **Termination of Parental Rights**;*
- cases in which a motion for new trial has been granted;
- a case that had previously been reported as disposed of is reinstated to the court's active docket;
- cases transferred from another county on change of venue;
- cases remanded from a higher court;
- cases split by a severance order;
- cases in which a writ of garnishment is docketed;
- cases in which a bill of review is docketed;
- cases involving similar matters that are not reported elsewhere.

Do not include motions for modification or enforcement filed pursuant to Chapters 156 and 157, Family Code following entry of original judgment. These include:

- motions to modify or set child support (separate from original judgment);
- motions to modify conservatorship (custody);
- motions to modify visitation privileges;
- motions for contempt;
- motions for enforcement of judgments or prior orders;
- petitions for writ of habeas corpus;
- motions to revoke or suspend such matters as contempt orders;
- motions for further orders of the court.

Report a motion for modification or enforcement listed above as a new case on Line 2 under the appropriate Post-Judgment Action case category (***Modification—Custody***, ***Modification—Other***, ***Enforcement***, or ***Title IV-D***.)

The following are types of pre-trial motions that are also **not** to be included here:

- motions to dismiss;
- motions for continuance;
- motions for change of venue;
- motions for production of documents;
- motions for appointment of master, receiver, etc.;
- motions for substitution or withdrawal of counsel;
- motions to recuse judge;
- motions for substituted service;
- motions to take judicial notice of law of other state;
- motions for severance;
- motions to consolidate; and

- motions for separate trials.

NOTES:

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*

Line 5. TOTAL CASES ON DOCKET

To calculate the **Total Cases on Docket**, add the active cases pending at the beginning of the month, new cases filed, other cases reaching docket, and reactivated cases.

Lines 1a + 2 + 3 + 4 = Line 5

NOTE: *Many of the cases that were filed during this reporting period may also have been disposed of in the same month. These cases are still included here.*

Line 6. TOTAL CASES DISPOSED

Report the total number of cases disposed during the month. The figures reported on this line should be the same as the Total Dispositions entered on Line 20 of the Dispositions Section.

Line 7. PLACED ON INACTIVE STATUS

Report the number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload.

This category includes:

- Cases sent to arbitration (in which there are **no further proceedings** in the court until the case is returned from arbitration);
- Cases stayed due to the Soldiers' & Sailors' Civil Relief Act;
- Cases in which there is a stay due to a pending bankruptcy case;
- Cases in which an abatement order has been entered while the case continues being conducted under collaborative law procedures (Section 153.0072, Family Code); and
- Cases in which a capias has been issued for failure to appear (Ch. 157, Family Code).

Line 8. CASES PENDING END OF MONTH *(Sum of Lines 8a and 8b.)*

Line 8a. Active Cases

Report the number of cases that were active and awaiting disposition at the end of the month.

Line 5 minus the sum of Lines 6 & 7 = Line 8a

Line 8b. Inactive Cases

Report the number of cases at the end of the month that were classified as inactive.

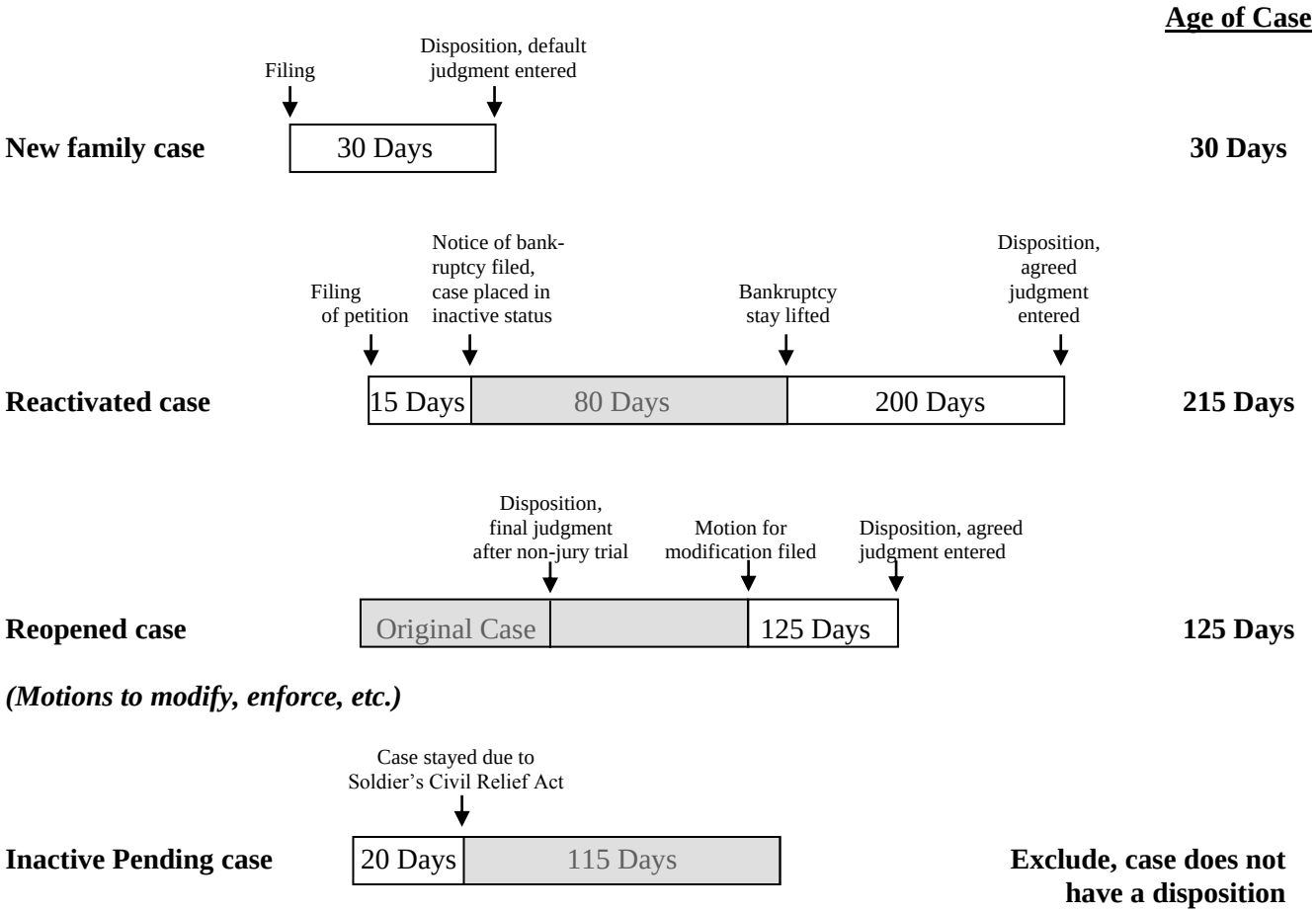
Line 1b minus Line 3 plus Line 7 = Line 8b

Line 9. AGE OF CASES DISPOSED

Report the length of time the cases that were disposed of during the month had been on the docket as an ***active case***. **The total number of cases reported MUST match the total number of dispositions reported in Line 6.**

Calculate this time span from the date the petition or motion was filed in the court through the date on which it was disposed. **Any time that the case was placed in an inactive status is NOT included in this calculation.**

Below are examples of how the time is calculated.



DISPOSITIONS

In this section, report the number of family law cases disposed during the month under the appropriate case category. **A family law case is considered disposed when a final judgment has been entered**, even if the case is eventually appealed, **or when a final order is entered disposing of all claims for affirmative relief or on a motion to modify or similar motion** in a family law case.

Report only one disposition per filing counted. Report dispositions in the same case category under which the cases were filed. Choose the most appropriate disposition classification (Lines 10-19).

Line 10. CHANGE OF VENUE TRANSFERS

Report the number of cases transferred:

- To a county court at law or the County Court in the same county;
- To another county on change of venue; and
- To a federal court (notice of removal received).

Line 11. DEFAULT JUDGMENTS

Report the number of cases in which the judgment was reached by default—the defendant, though served, failed to appear and answer, and judgment by default was granted in favor of the plaintiff.

Line 12. AGREED JUDGMENTS

Report cases in which the court entered a judgment based upon the mutual agreement of the parties involved in the suit.

Line 13. SUMMARY JUDGMENTS DISPOSING OF CASES

Report cases in which **all** issues were disposed of by summary judgment. **Do not report partial summary judgments**, which dispose of only a portion of a case, as dispositions.

Line 14. FINAL JUDGMENTS AFTER NON-JURY TRIAL

Report cases in which the judgment was reached after a trial or hearing by the judge, without a jury.

Line 15. FINAL JUDGMENTS BY JURY VERDICTS

Report the number of judgments entered after trial based on the verdict of a jury.

Line 16. FINAL JUDGMENTS BY DIRECTED VERDICTS OR JUDGMENT N.O.V.

Report cases in which a judgment was reached after a jury trial by a directed verdict by the court. Also include here any judgments notwithstanding the verdict (JNOV or "Non Obstante Veredicto").

Line 17. CASES DISMISSED FOR WANT OF PROSECUTION

Report cases dismissed because the plaintiff or petitioner did not appear or otherwise made no effort to pursue his case.

Line 18. CASES NON-SUITED OR DISMISSED BY PLAINTIFF

Report cases in which a dismissal was entered at the request of the plaintiff or petitioner. Also include cases dismissed by agreement of both parties.

Line 19. ALL OTHER DISPOSITIONS

Report events that remove a case from the docket but are not clearly identifiable as any of the preceding types of dispositions.

Line 20. TOTAL CASES DISPOSED

Report the sums of Lines 10 through 19 under the appropriate categories.

Lines 10 + 11 + 12 +13 + 14 + 15 +16 + 17 + 18 + 19 = Line 20

ADDITIONAL COURT ACTIVITY

This part of the **FAMILY SECTION** is designed to report information on court activity that occurred during the month, regardless of whether the case was disposed of during the same month.

Line 21. CASES IN WHICH JURY SELECTED

Report the number of cases in which a jury panel was selected.

Line 22. CASES IN WHICH MISTRIAL DECLARED

Report the number of cases in which a mistrial was declared.

Line 23. INJUNCTION OR SHOW CAUSE ORDER ISSUED

Report the number of injunctions (including temporary restraining orders) or show cause orders issued in a case **before entry of original judgment**.

Line 24. PROTECTIVE ORDERS SIGNED

Report the number of protective orders signed in any case, **including** those signed in cases reported under the **Protective Orders—No Divorce** case category. Include temporary ex parte orders signed, but do **not** include extensions of temporary ex parte orders.

Line 25. CASES SET FOR REVIEW

Report the number of family cases in which a final judgment or final order has been entered that **were set during the month for a regularly scheduled review** involving a hearing before a judicial officer. Examples include placement reviews held every six months in child protection cases as required by Section 263.501 or 263.602, Family Code, and reset orders for compliance review in child support cases.

Line 26. CASES IN WHICH PLAINTIFF/PETITIONER REPRESENTED SELF

Report the number of family cases in which the plaintiff/petitioner indicated that he/she was representing himself/herself without an attorney at the time of filing of the original petition or when a motion for modification or enforcement is filed.

In a case with multiple plaintiffs/petitioners, report the case only if the plaintiff/petitioner who completed the Case Information Sheet filed with the original petition, motion for modification, or motion for enforcement indicated he or she was self-represented (*pro se*).

JUVENILE SECTION

Definition of Juvenile Cases

The number of juvenile cases reported on this monthly reporting form is based on the number of respondents named in a petition for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.), as governed by Title 3 of the Texas Family Code.

1. If the same respondent is charged in more than one petition, there is more than one case. For instance, if the same child is named in four petitions, count this as four cases.

2. If a petition contains more than one count, report this as one case under the category for the **most serious offense alleged**.

Texas Family Code, Section 51.02 generally defines a *child* as a person who:

1. is 10 years of age or older and under 17 years of age; or

2. is 17 years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before reaching age 17.

Juvenile Case Type Categories

All juvenile cases are to be reported on the monthly report in one of the following categories:

1. **Conduct indicating a need for supervision (C.I.N.S.)** (Texas Family Code, Sec. 51.03(b)) is conduct, other than a traffic offense, that constitutes:
   a. the violation of a state penal law of the grade of misdemeanor punishable by fine only;
   b. the violation of a penal ordinance of any political subdivision of the state;
   ~~c. truancy;~~
   d. running away from home;
   e. inhaling paint, glue, or certain other chemicals;
   f. the violation of a school district's previously communicated written standards of student conduct for which the child has been expelled;
   g. the violation of a child at-risk court order issued under Section 264.305 of the Family Code;
   h. conduct described by Section 43.02(a)~~(1) or (2)~~ or (b), Penal Code (prostitution);
   i. violation of Penal Code Sec. 43.261 (electronic transmission of certain visual material depicting minor); or
   ~~j. failure to attend school under Section 25.094 of the Education Code **(only applies to counties with a population of less than 100,000).**~~

2. **Delinquent conduct** (Texas Family Code, Sec. 51.03(a)) is conduct that violates:
   a. a state or federal penal law (other than a traffic offense) punishable by imprisonment or confinement in jail;
   b. a lawful order of a court under circumstances that would constitute contempt of that court in 1) a justice or municipal court; ~~or~~ 2) a county court for conduct punishable only by a fine; or 3) a truancy court.
   c. Section 49.04, 49.05, 49.06, 49.07, or 49.08 of the Penal Code; or
   d. Section 106.041 of the Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).

Delinquent conduct cases should be reported in one of the following categories:

1) **CAPITAL MURDER:** An offense under Penal Code Section 19.03 (Capital Murder).

2) **MURDER:** An offense under Penal Code Section 19.02 (Murder).

3) **OTHER HOMICIDES:** An offense under Penal Code Section 19.04 (Manslaughter), 19.05 (Criminally Negligent Homicide), or 49.08 (Intoxication Manslaughter).

4) **AGGRAVATED ASSAULT OR ATTEMPTED MURDER:** A **felony** offense under Penal Code Section 22.01 (Assault), 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 22.08 (Aiding Suicide); an offense under Penal Code Section 22.015 (Coercing, Soliciting or Inducing Gang Membership), 22.02 (Aggravated Assault), 22.041 (Abandoning or Endangering Child), 22.09 (Tampering with Consumer Product), or 22.11 (Harassment by Persons in Certain Correctional Facilities; Harassment of Public Servant); or an offense of attempt (as defined in Section 15.01) to commit: Murder (19.02) or Capital Murder (19.03).

5) **ASSAULT:** A **misdemeanor** offense under Chapter 22 of the Penal Code.

6) **INDECENCY WITH A CHILD OR SEXUAL ASSAULT:** An offense under Penal Code Section 21.11 (Indecency with a Child); or an offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) regardless of whether the victim is a child (younger than 17 years) or an adult.

7) **AGGRAVATED ROBBERY OR ROBBERY:** An offense under Penal Code Section 29.02 (Robbery) or 29.03 (Aggravated Robbery).

8) **BURGLARY:** An offense under Penal Code Section 30.02 (Burglary), 30.03 (Burglary of Coin-Operated or Coin Collection Machines), or 30.04 (Burglary of Vehicles).

9) **THEFT:** An offense under Chapter 31 (Theft) of the Penal Code, **except** when the property involved is a motor vehicle; an offense under Penal Code Section 32.31 (Credit Card Abuse or Debit Card Abuse); or an offense under Penal Code Section 33A.04 (Theft of Telecommunications Service).

10) **AUTOMOBILE THEFT:** An offense under Penal Code Section 31.03 (Theft) if the property involved is a motor vehicle, or an offense under Section 31.07 (Unauthorized Use of a Vehicle).

11) **FELONY DRUG OFFENSES:** A **felony** offense for possession, manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code).

12) **MISDEMEANOR DRUG OFFENSES:** A **misdemeanor** offense for possession, manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code), or Ch. 485, Abusable Volatile Chemicals, Health and Safety Code.

13) **D.W.I.:** An offense under Penal Code Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), or 49.09 (Enhanced Offenses and Penalties). Also include an offense under Penal Code Section 49.07 (Intoxication Assault) when the case involves a motor vehicle.

14) **CONTEMPT OF COURT:** A lawful order of a court under circumstances that would constitute contempt of that court in A) a justice, ~~or~~ municipal, or truancy court; or B) a county court for conduct punishable only by a fine.

15) **ALL OTHER OFFENSES:** An offense not clearly identifiable as belonging in one of the preceding categories.

This section of the monthly report is designed to capture court activity involving **Title 3 of the Texas Family Code**. Do not report other Family Code matters typically handled by the juvenile court in this section. For instance:

- Suits affecting the parent-child relationship filed by the Texas Department of Protective and Regulatory Services alleging child abuse or neglect and seeking temporary managing conservatorship and/or termination of parental rights are not reported here. These cases are reported, at the time they are filed, in the Family Section as **New Cases Filed During Month** under the category of **Child Protection**.

- Motions to modify or similar ***show cause*** type motions filed after the entry of original judgment in a Protective and Regulatory Services case are reported in the Family Section under the **Child Protection** category as **All Other Cases Added**.

- Similarly, matters involving Titles 1, 2, or 4 of the Family Code are reported in the **Family Section**.

If the district court has jurisdiction over juvenile cases, a report MUST be submitted each month, whether or not any reportable activity occurred during the month.

The **JUVENILE SECTION** is divided into four subsections: Cases on Docket, Adjudications, Dispositions, and Additional Court Activity.

CASES ON DOCKET

Lines 1a through 10b. TOTAL FELONY DELINQUENT CONDUCT CASES AND TOTAL MISDEMEANOR DELINQUENT CONDUCT CASES

For lines in this section, indicate the total number of cases that involved a felony offense and the total number of cases that involved a misdemeanor offense.

If a petition contains more than one count, report this as one case under the category for the **most serious offense alleged**.

Line 1. CASES PENDING FIRST OF MONTH

Report all juvenile cases previously filed but not disposed of at the beginning of the month.

These figures should be <u>the same</u> as those reported for **Cases Pending End of Month** (Lines 10a and

10b) on the prior month's report. The online data entry system automatically fills in this line with the numbers that were reported in the previous month.

DOCKET ADJUSTMENT: If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment <u>must be entered manually</u> into the report.

A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 58 CINS cases were pending at the end of April but 59 were pending as of May 1, enter "1" (58 + 1 = 59) in the Docket Adjustment line under CINS in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 57 capital murder cases were pending at the end of April but 55 were pending as of May 1, enter "-2" (57 - 2 = 55) in the Docket Adjustment line under Capital Murder in the report for May.

Monthly Report Entry

CASES ON DOCKET	C.I.N.S.	Capital Murder	Murder	Other Homicides	Agg. Assault or Attempted Murder	Assault	Indecency with or Sexual Assault of a Child	Aggravated Robbery or Robbery
1. CASES PENDING FIRST OF MONTH *(Should equal cases pending end of previous month. Sum of Lines 1a and 1b.)*	58	57	58	60	56	59	58	57
DOCKET ADJUSTMENTS	1	-2	1	0	0	5	0	0
CASES PENDING FIRST OF MONTH (Adjusted)	59	55	59	60	56	64	58	57
a. Active Cases	50	52	57	59	55	58	57	56
b. Inactive Cases	9	3	2	1	1	6	1	1
No Activity ☐								

CASES PENDING FIRST OF MONTH (Adjusted) *(Sum of Lines 1a and 1b.)*

Equals Line 1, plus or minus Docket Adjustments.

Line 1a. Active Cases

Report the number of cases that were active and awaiting disposition at the beginning of the month.

"Active cases" are those cases that the court has control over and are awaiting disposition.

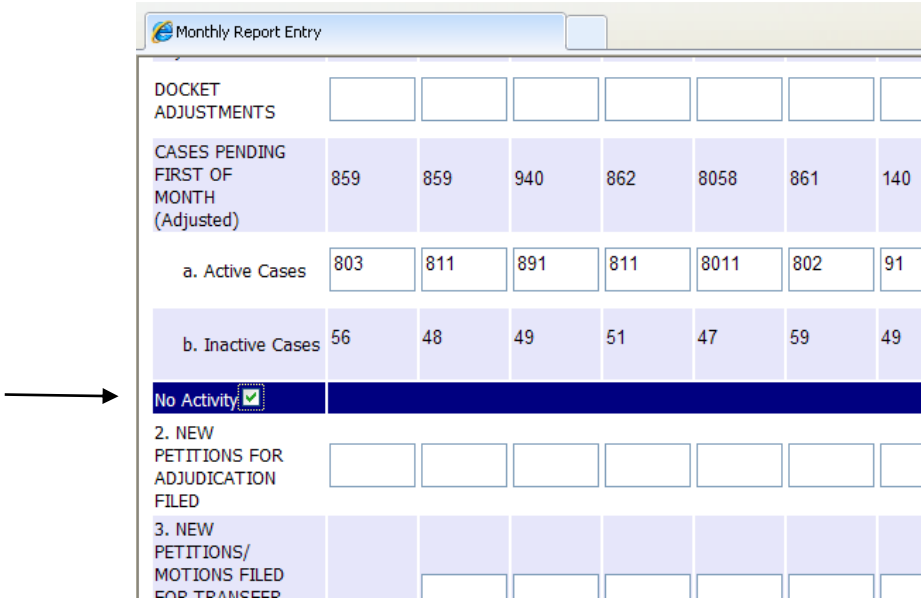
Line 1b. Inactive Cases

Report the number of cases at the beginning of the month that had been classified as inactive.

(See Line 9—Placed on Inactive Status for definition of an inactive case.)

NO ACTIVITY BOX

If the district court has juvenile jurisdiction but there was no reportable activity during the month, check the **No Activity** box, enter your name at the end of the report, and press Submit.



Line 2. NEW PETITIONS FOR ADJUDICATION FILED

Report the number of new petitions (new cases) filed for adjudication of delinquent conduct or conduct indicating a need for supervision, even if they were also disposed of during the month.

If a petition contains more than one count, report this as one case under the category for the **most serious offense alleged**.

NOTE: *Do not include detention hearings, which are reported on Line 24 of Additional Court Activity.*

Line 3. NEW PETITIONS/MOTIONS FILED FOR TRANSFER TO ADULT CRIMINAL COURT

Report the number of petitions or motions filed for transfer of a child to a regular criminal court for trial as an adult (defined in Texas Family Code, Section 54.02).

Line 4. MOTIONS TO MODIFY, ENFORCE OR PROCEED FILED

Report the number of cases that had previously been reported adjudicated or disposed but have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing disposition or, in cases of deferred prosecutions or adjudications, to proceed with the original case. Include:

- Any motions to modify disposition in a child's case filed pursuant to Family Code Section 54.05. This includes motions for:

  - Amending the conditions of probation;
  - Extending the probation term beyond the initial period;
  - Changing the probation placement of the child; and
  - Revoking probation to commit the child to the Texas Juvenile Justice Department;

- Referrals for release from the Texas Juvenile Justice Department and placement on parole (Section 54.11, Family Code);

- Referrals for transfer from the Texas Juvenile Justice Department to the institutional division of the Texas Department of Criminal Justice (Section 54.11, Family Code);

- Motions for placement on adult determinate sentence probation (Section 54.051, Family Code); and

- Cases reopened due to termination of deferred prosecution:

  - Cases in which a child violated his or her conditions of informal probation and the prosecutor has decided to proceed with prosecuting the original case; or
  - Cases in which the child and his/her parent or guardian terminate the deferred prosecution and petition the court for a hearing in the case.

NOTES:

- *Report the case under the case category of the charge for which the juvenile was ultimately found to have engaged in delinquent conduct or conduct indicating a need for supervision. For example, if the charge was a felony at the time of the filing of the original petition but the juvenile was ultimately charged with a misdemeanor offense, a motion to modify, enforce, or proceed should be counted under the misdemeanor category that the juvenile was ultimately charged with.*
- *These reopened cases are reported even if they were also adjudicated or heard during the month.*

Line 5. CASES REACTIVATED

Report the number of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to adjudication or disposition.

This category includes:

- Cases in which the respondent was apprehended or otherwise became available for court proceedings;

- Cases in which the proceedings were suspended due to a question of mental illness or mental retardation:

  - That were reactivated after an examination for determining unfitness to proceed;
  - That were reactivated after the court or a jury decided that the child was not committable for temporary or extended mental health services; or
  - That were reactivated after the child's completion of temporary or extended inpatient mental health treatment; and

- Cases in which the respondent was otherwise unavailable for adjudication.

NOTES:

- *Reactivated cases are reported under the same offense reported when the original petition was filed.*
- *A case should be reactivated on the date the warrant is executed or the date of the respondent's first hearing. (Clerks should use the event for which they have the best information.)*
- *Reactivated cases are reported even if they were also adjudicated during the month.*

Line 6. ALL OTHER CASES ADDED

Report all other cases or motions filed that do not fall in to the categories above. These may include:

- Cases transferred from a county court at law or district court in the same county;
- Cases transferred from other counties on change of venue;
- Cases remanded from appellate courts (an order to reinstate is received or a mandate is received that remands the case to the trial court for further proceedings); and
- Cases in which a motion for new trial has been granted (an order for a new trial is issued).

Motions for new trial and notices of appeals are not counted.

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*
- *Do **not** include competency hearings, which should be reported on Line 26, **Chapter 55 Proceedings Held (Competency Hearings).** For the purpose of this report, a competency hearing is treated as a separate case from the original juvenile case and is **not** reported as a disposition of the original juvenile case.*
- *Do **not** include cases in which probation is being transferred from another county. These cases are counted (on Line 4) only if a motion to modify, enforce, etc. is filed in the case.*

Line 7. TOTAL CASES ON DOCKET

The sum of active cases pending at the beginning of the month, new petitions for adjudication filed; new petitions or motions filed during the month for transfer to adult criminal court; motions to modify, enforce or proceed that reopened a case; reactivated cases; and all other cases reaching docket equals **Total Cases on Docket.**

Lines 1a + 2 + 3 + 4 + 5 + 6 = 7

Line 8. TOTAL CASES ADJUDICATED

Report the total number of cases adjudicated or motions heard during the month. The figures reported on this line should be the same as the Total Cases Adjudicated entered on Line 19 of the Adjudication Section.

Whenever a new juvenile case is adjudicated, the finding and the disposition (if relevant) must always be reported in the same category as the filing of the original petition, even if the prosecutor later reduced the charges, or the juvenile was found to have engaged in delinquent conduct or CINS for a lesser offense.

Line 9. PLACED ON INACTIVE STATUS

Report the number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload.

This category includes:

- Cases in which a *directive to apprehend* or *warrant of arrest* has been issued;
- Cases stayed due to a question of mental illness or mental retardation;
- Cases stayed while a respondent undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the respondent is otherwise unavailable for adjudication.

Do not include orders of detention.

Line 10. CASES PENDING END OF MONTH *(Sum of Lines 10a and 10b.)*

Line 10a. Active Cases

Report the number of cases that were active and awaiting disposition at the end of the month.

Line 7 minus the sum of Line 8 & Line 9 = Line 10a

Line 10b. Inactive Cases

Report the number of cases at the end of the month that were classified as inactive.

Line 1b minus Line 5 plus Line 9 = Line 10b

Line 11. AGE OF CASES ADJUDICATED

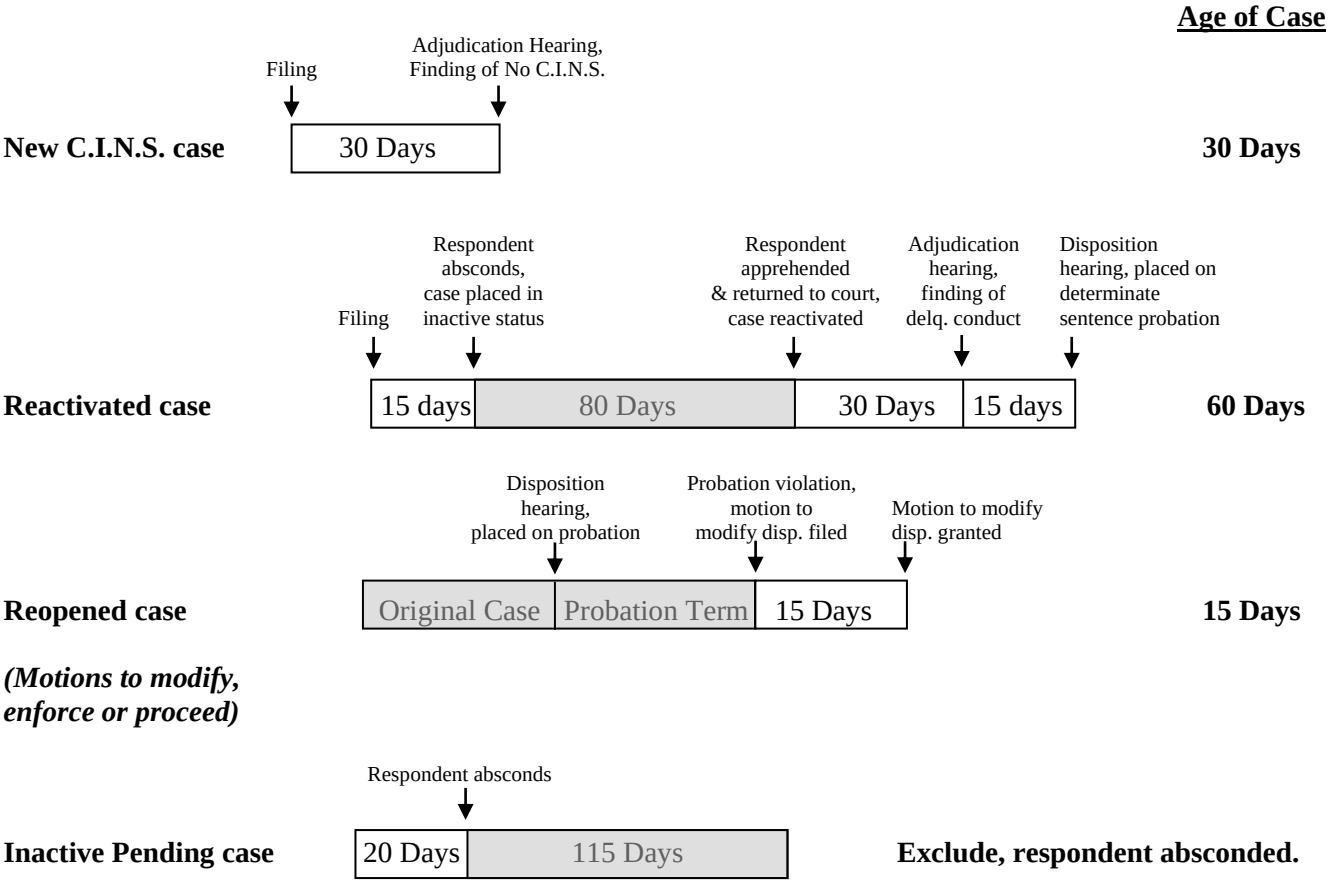
Report the length of time the cases reported in Lines 12 through 18 had been on the docket as ***active cases***. **The total number of cases here MUST match the total number of cases reported in Lines 8 and 19.**

Calculate this time span from the **date the petition or motion was filed in the court through the date on which it was adjudicated,** <u>except in cases where a finding of delinquent conduct or C.I.N.S. is made</u>.

<u>In cases involving a finding of delinquent conduct or C.I.N.S.</u>**, calculate the time span from the date the petition was filed through the date of the disposition hearing** (required by Section 54.04, Family Code).

Any time that the case was placed in an inactive status is <u>NOT</u> included in this calculation.

Below are examples of how the time is calculated.



NOTES:

- *For reactivated cases, the date of reactivation is the first date that the respondent appears in court after being apprehended.*
- *For reopened cases (motions to modify, enforce or proceed), the date of reopening is the date the motion reopening the case (e.g., motion to modify disposition, etc.) is filed.*
- *For inactive cases, the date of inactivation is the date that a directive to apprehend ("arrest warrant") is issued.*
- *Report a deferred prosecution as a disposition at the time the respondent is first placed on the deferral.*

ADJUDICATIONS

NOTE: Whenever a new juvenile case is adjudicated, the finding and the disposition (if relevant) must always be reported in the same category as the filing of the original petition, even if the prosecutor later reduced the charges, or the juvenile was found to have engaged in delinquent conduct or CINS for a lesser offense.

Line 12. FINDINGS OF DELINQUENT CONDUCT OR C.I.N.S.

Under the appropriate offense, report the number of cases in which a final judgment has been entered following an **adjudication hearing** (defined in Family Code, Section 54.03) in Lines 12a through 12c. **Report these cases in the same month in which the case is disposed by a disposition hearing**

(defined in Family Code, Section 54.04).

Line 12a. Plea of True

Report the number of cases in which the respondent entered a plea of true.

Line 12b. By the Court

Report the number of cases in which the court made a finding of delinquent conduct or C.I.N.S.

Line 12c. By the Jury

Report the number of cases in which the jury made a finding of delinquent conduct or C.I.N.S.

Line 13. DEFERRED PROSECUTION OR ADJUDICATION

Report the number of cases in which:

- the respondent was placed on informal probation and prosecution of his/her case was deferred; or
- adjudication was withheld pending completion of a specialized court program (i.e., drug court program, teen dating violence court program (Family Code, Section 54.0325).

Report these cases at the time the respondent is first placed on informal probation or on a specialized court program.

Line 14. TRANSFERRED TO ADULT CRIMINAL COURT

Report the number of cases in which the respondent was certified for transfer to criminal court for trial as an adult (Section 54.02, Family Code).

Line 15. FINDINGS OF NO DELINQUENT CONDUCT OR NO C.I.N.S.

Under the appropriate offense, report the number of cases in which a final judgment has been entered following an **adjudication hearing** (defined in Family Code, Section 54.03) in Lines 15a and b.

Line 15a. By the Court

Report the number of cases in which the court made a finding of no delinquent conduct or no C.I.N.S.

Line 15b. By the Jury

Report the number of cases in which the jury made a finding of no delinquent conduct or no C.I.N.S.

Line 16. DISMISSALS

Report the number of cases dismissed, including cases non-suited, dismissed without any adjudication, for insufficient evidence, for further investigation, the respondent was over 18 years of age, or the case was refiled. Include motions to modify disposition that were dismissed or non-suited.

Line 17. MOTIONS TO MODIFY DISPOSITION

Under the appropriate offense, report the number of motions to modify disposition in Lines 17a and 17b that were heard during the month.

Line 17a. Denied

Report the number of motions to modify disposition that were denied by the court.

Line 17b. Granted

Report the number of motions to modify disposition granted by the court, including orders:

- Revoking a child's probation and sending him/her to the Texas Juvenile Justice Department;
- Granting transfer of a juvenile from the Texas Juvenile Justice Department to the Texas Department of Criminal Justice;
- Granting transfer to adult determinate sentence probation;
- Amending conditions of probation;
- Extending the probation term beyond an initial period;
- Terminating probation early; and
- Changing the probation placement of the child.

Line 18. ALL OTHER ADJUDICATIONS/FINDINGS

Report all other cases adjudicated or motions heard during the month that do not fall in to the categories above, such as:

- cases transferred to another county;
- cases transferred to the county court at law or County Court in the same county; and
- administratively closing a case because a juvenile has aged out of the juvenile system and nothing further will be filed in the case.

Line 19. TOTAL CASES ADJUDICATED

Report the total number of cases adjudicated or motions heard during the month (the sum of Lines 12 through 18). The figures reported on this line should be the same as the Total Cases Adjudicated entered on Line 8 of the Cases on Docket Section.

DISPOSITIONS

Line 20. DISPOSITION OF CASES WITH FINDINGS OF DELINQUENT CONDUCT OR C.I.N.S.

Under the appropriate offense, indicate the outcomes of the disposition hearings (defined in Family Code Section 54.04) involving the cases that were reported adjudicated in Line 12.

Probation Granted

Line 20.A.1 Determinate Sentence Probation

Report the number of cases in which the respondent was placed on determinate sentence probation (Family Code, Section 54.04(q)).

Line 20.A.2 All Other Probation

Report the number of cases in which the respondent was placed on any other type of probation. Include cases where the respondent pleaded true as a juvenile but served adult probation.

Child Committed to Texas Juvenile Justice Department or a Post-Adjudication Secure Correctional Facility

Line 20.B.1 Determinate Sentence

Report the number of cases in which the respondent was committed to the Texas Juvenile Justice Department or a post-adjudication secure correctional facility for a determinate sentence (Section 54.04(d)(3), Family Code).

Line 20.B.2 Indeterminate Sentence

Report the number of cases in which the respondent was committed to the Texas Juvenile Justice Department or a post-adjudication secure correctional facility for an indeterminate sentence (Section 54.04(d)(2), Family Code).

Final Judgment Without Any Disposition

Line 20.C Final Judgment Without Any Disposition

Report only those cases in which the court's final judgment states that the judgment is ***without any disposition*** (as provided by Family Code, Section 54.04(c)). If the judgment does not say that it is *without any disposition*, check the judgment more closely to determine the placement of the child.

Line 21. DISPOSITION OF CASES IN WHICH MOTION TO MODIFY DISPOSITION WAS GRANTED

Indicate the outcome of cases in which disposition was modified (reported in Line 17b) after a hearing to modify disposition (defined in Family Code Section 54.05).

Line 21.A Probation Revoked, Child Sent to the Texas Juvenile Justice Department or a Post-Adjudication Secure Correctional Facility

Report the number of motions to modify disposition granted by the court that revoked a child's probation and sent him/her to the Texas Juvenile Justice Department or a post-adjudication secure correctional facility.

Line 21.B All Other Dispositions

Report all other motions to modify disposition granted by the court, including orders:

- Amending conditions of probation;
- Extending the probation term beyond an initial period;
- Terminating probation early; and
- Changing the probation placement of the child.

ADDITIONAL COURT ACTIVITY

Line 22. GRAND JURY APPROVALS (DETERMINATE SENTENCE PROCEEDINGS)

Report the number of cases in which the prosecutor has referred a petition to a grand jury for approval during the month for determinate sentence proceedings (Section 51.031 or 53.045, Family Code).

Line 23. RELEASE OR TRANSFER HEARINGS HELD (DETERMINATE SENTENCE PROCEEDINGS)

Report the number of hearings held pursuant to Section 54.11, Family Code concerning: 1) a referral for the transfer of a person committed to the Texas Juvenile Justice Department to the institutional division of the Texas Department of Criminal Justice or 2) a request from the Texas Juvenile Justice Department for approval of the release under supervision of a person committed to the commission.

Line 24. DETENTION HEARINGS CONDUCTED

Report the number of detention hearings held during the month. Count all detention hearings held, whether they were held before or after a petition was filed or after a juvenile was placed on probation.

Do not include waivers of hearings.

Line 25. CASES SET FOR REVIEW

Report the number of juvenile cases <u>in which an initial judgment has been entered</u> that **were set during the month for a regularly scheduled review** involving a hearing before a judicial officer. Examples include regularly scheduled status hearings in drug courts, mental health courts, DUI courts, family violence courts, etc.

Line 26. CHAPTER 55 PROCEEDINGS HELD (COMPETENCY HEARINGS)

Report the number of proceedings held under Chapter 55 of the Texas Family Code. These proceedings may include:

- Motions for mental illness determination (Section 55.11, Family Code);
- Motions for unfitness to proceed determination (Section 55.31, Family Code);
- Motions for an examination for mental illness or mental retardation to determine lack of responsibility for conduct (Section 55.51(b), Family Code);
- Initiation of commitment proceedings (Section 55.12, Family Code);
- Mental health commitment proceedings (Section 55.13, Family Code);
- Fitness to proceed hearings (Section 55.32, Family Code);
- Restoration hearings (Section 55.43, Family Code); and
- Transfers to criminal court on 18th birthday of child (Section 55.44, Family Code).

Line 27. MOTIONS TO SUPPRESS HEARINGS HELD

Report the number of motions to suppress that were granted or denied.

Line 28. APPLICATIONS FOR SEALING RECORDS FILED

Report the number of applications **filed** for sealing of juvenile records under Section 58.003, Family Code.

NOTES:

- **Do *not*** include cases in which the juvenile's record is sealed as part of the disposition of the criminal case.
- **Do *not*** count these applications in the Cases on Docket or Dispositions sections of the Juvenile report. The filing and disposition should be counted in the Civil Cases Related to Criminal Matters of the Civil report.

Line 29. MOTIONS FOR SEX OFFENDER UNREGISTRATION OR DEREGISTRATION FILED

Report the number of petition or motions filed for exemption from sex offender registration under Section 62.301, Code of Criminal Procedure ("unregistration"), Section 62.353, Code of Criminal Procedure ("deregistration"), or Section 62.354, Code of Criminal Procedure (out-of-state adjudication). Also include motions filed for exemption from (or deferral of) sex offender registration under Section 62.351, Code of Criminal Procedure, if the motion is filed after disposition of the case.

NOTE: **Do *not*** count these motions in the Cases on Docket or Dispositions sections of the Juvenile report. The filing and disposition should be counted in the Civil Cases Related to Criminal Matters of the Civil report.

Line 30. CASES IN WHICH ATTORNEY APPOINTED AS COUNSEL

Report the number of cases in which an attorney was appointed by the court.

NOTES:

- In juvenile cases, an application for indigency and an order of appointment must be filed in order for an attorney to be appointed to the case.
- Report each case in which an attorney was appointed by the court regardless of whether an adjudication hearing was held.
- Report the case only in the **month in which the appointment was made.**
- **Do *not* report more than one appointment of an attorney to the same case.**

Line 31. CASES WITH RETAINED COUNSEL

Report the number of cases in which the respondent had retained counsel **at the time of the disposition** of the case.