

# Appointments and Fees – Chapter 36, Government Code

## Frequently Asked Questions

### Justice/Municipal/Appellate

#### Who?

**1. Which courts need to report the information required by Chapter 36?**

All courts must submit a report each month, even if there is no reportable activity. While the requirements of reporting appointments and fees applied only to district and county courts in the past, the requirements of Chapter 36 apply to all courts in the state, including appellate, justice, municipal and truancy courts.

**2. My court does not make appointments. Do I have to report?**

Yes. All courts are required to report whether or not there is reportable activity. Courts with no activity to report must submit “No Activity” reports each month.

#### When?

**1. When do I need to start reporting this information?**

The requirements of Chapter 36 go into effect on September 1, 2016. Data collection should begin on that date. The first report (for September 2016) is due October 15, 2016.

**2. The date of appointment and the date of payment/fee approval are different. When do we report the information?**

Each court will be required to submit each month a report for all appointments made during the month and a report for all payments made during the month, so the appointment will be reported in the month that it is made and the payment/fee approval will be reported separately in the month it was made or approved.

#### What?

**1. I am a justice court/municipal court. What do I have to report?**

Most justice courts and municipal courts will have no activity to report. These courts must submit a “No Activity” report for appointments and another for payments each month.

Courts that have activity to report will most likely involve truancy and parent contributing to nonattendance cases. These cases may involve the appointment of an attorney, guardian ad litem or mediator.

**2. Do appointments of attorneys in truancy cases under Section 65.059 of the Family Code (Representation by Attorney) need to be reported?**

Yes.

#### Where?

**1. The statute requires the court to post the report each month “at the courthouse.” Where does the report need to be posted?**

The report should be posted wherever all other court-related notices, dockets and documents are posted.

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2. **Can we fulfill the requirement to post the appointments and fees reports on the court's website by providing a link to OCA's website?**

OCA does not recommend this approach, particularly due to the fact that you would not be able to provide a link to the information for your court only. The interested party would need to sort through the information from all courts in the state. OCA recommends you contact your city attorney for their interpretation and counsel regarding this approach.

## How?

1. **How will I be able to get payment information?**

Judges and clerks will need to locally determine the specifics about how the required information is to be obtained. In order to get the information needed to prepare the report, it is recommended that:

- Each appointment be made by written order or some other process to document the appointment.
- Each approval of the payment be accomplished by a separate written order or similar process.

2. **How will this information be reported to OCA?**

All reports must be entered into the reporting database at <http://card.txcourts.gov/>, which is same database to which you submit your Monthly Court Activity Reports. Please refer to **Instructions for Reporting Database** posted at <http://www.txcourts.gov/reporting-to-oca/appointments-and-fees/justice-municipal-appellate/> for more information.

3. **How can I upload my reports rather than having to manually enter them?**

Your case management system vendor or local IT staff will need to create the capability for you to generate an XML file from your case management system. This XML file contains the information necessary to upload the report.

XML instructions and other information are posted at <http://www.txcourts.gov/reporting-to-oca/appointments-and-fees/appts-fees-xml/>. This webpage is not visible from the main webpages; you must click on the link in this document, or enter the web address in your browser.