

Office of Court Administration Texas Judicial Council



APPOINTMENTS AND FEES REPORT INSTRUCTIONS FOR DISTRICT AND COUNTY COURTS

Chapter 36, Texas Government Code

Requires the **clerk of each court in the state** to prepare a report every month on court appointments made and any fees paid for an

- attorney ad litem
- guardian ad litem
- guardian
- mediator or
- competency evaluator ¹

in any case with the following exceptions:

- a mediation conducted by an **alternative dispute resolution** system established under Ch. 152, Civil Practice and Remedies Code
- information made confidential under **state or federal law**, including applicable rules (e.g., judicial bypass cases)
- a guardian ad litem or other person appointed under a program authorized by Sec. 107.031, Family Code (**volunteer advocates in child protection cases**)
- an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a **domestic relations office** established under Ch. 203, Family Code.

*Please see the **Frequently Asked Questions** document posted on the website for additional guidelines about what to report in various scenarios.*

Monthly reports must be submitted for each court **whether or not there was activity** to report for the month.

¹ A physician or psychologist who performs examinations to determine whether an individual is incapacitated or has an intellectual disability for **purposes of appointing a guardian** for the individual.

Other requirements:

- The report is due to the Office of Court Administration (OCA) **no later than 15 days** following the end of the month reported.
- A copy of the report must be posted at the courthouse and on the court's website.

If a court fails to provide the information necessary for the clerk to submit the required report, the court is ineligible for any grant money awarded by the state or a state agency for the next state fiscal biennium.

In order to get the clerks the information they need 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.

Note: Counties **that wish to continue reporting the information previously required under the Supreme Court order are welcome to do so.**

What to Submit to OCA

For each court

1. All appointments made during the month **OR** report of no appointments made during the month
AND
2. All payments approved during the month **OR** report of no payments made during the month

WHEN TO REPORT THE FEE

- If the amount of the fee is specified in the order, report the fee for the **month in which the approval order was signed** (for example, a fee for a specific amount that is approved in September, but not actually paid until October would be included in the report for September).
- If the amount of the fee is not specified in the order, report the fee for the **month it is paid** (when the amount of the fee becomes known to the clerk).

1. Appointments

➤ ***NO APPOINTMENTS MADE DURING MONTH***

Submit No Activity report indicating that there was no activity for the month for the court.

➤ **REPORTABLE ACTIVITY FOR THE MONTH**

For each appointment, report:

1. **NAME/NUMBER OF COURT**

Name of the court in which the person signing the order was sitting when the order was signed.

2. **NAME OF JUDGE/MASTER/REFEREE ORDERING APPOINTMENT**

3. **CASE NUMBER AND STYLE OF CASE**

The style may be abbreviated to include, for example, just the last names of the parties. *In matters where confidentiality of the parties is required, judges and clerks should use their discretion regarding the style of the case.*

4. **STATE BAR CARD NUMBER OF APPOINTEE IF AN ATTORNEY**

5. **NAME OF PERSON APPOINTED**

6. **POSITION TO WHICH APPOINTED**

A sample list of positions is included at the end of this document for reference.

7. **RELATIONSHIP TO WARD OR DECEASED, IF RELEVANT**

The relationship of the appointee to the ward or deceased:

- Attorney
- Private professional guardian
- Associated with a public guardianship program
- Friend or family member

If not relevant to the case, select “Not Applicable.”

8. **DATE OF APPOINTMENT**

2. Payments

➤ **NO FEES APPROVED DURING MONTH**

Submit a No Activity report indicating that there was no activity for the month for the court.

➤ **REPORTABLE ACTIVITY FOR THE MONTH**

For each fee approved, report:

1. **NAME/NUMBER OF COURT**

Name of the court in which the person signing the order was sitting when the order was signed.

2. **NAME OF JUDGE/MASTER/REFEREE APPROVING PAYMENT**

3. **CASE NUMBER AND STYLE OF CASE**

The style may be abbreviated to include, for example, just the last names of the parties. *In matters where confidentiality of the parties is required, judges and clerks should use their discretion regarding the style of the case.*

4. **STATE BAR CARD NUMBER OF APPOINTEE IF AN ATTORNEY**

5. **NAME OF PERSON APPOINTED**

6. **POSITION TO WHICH APPOINTED**

A sample list of positions is included at the end of this document for reference.

7. **RELATIONSHIP TO WARD OR DECEASED, IF RELEVANT**

The relationship of the appointee to the ward or deceased:

- Attorney
- Private professional guardian
- Associated with a public guardianship program
- Friend or family member

If not relevant to the case, select "Not Applicable."

8. **DATE OF APPROVAL OF FEE**

Date the approval order was signed (or the date the payment was made if the amount of compensation was not specified when the approval order was signed).

9. **SOURCE OF FEE**

A sample list of sources is included at the end of this document for reference.

10. **AMOUNT APPROVED**

Dollar amount approved for payment. The **entire amount** should be reported, not the rate approved (i.e., not \$15 per hour).

Each payment reported must include any and all fees occurring as a result of the appointment. It shall include attorneys' fees and related expenses resulting from the appointment and any compensation and/or fees for serving as fiduciary.

CASES IN WHICH TOTAL COMPENSATION EXCEEDS \$1,000

If the total amount of compensation paid to an appointee for 1 case exceeds \$1,000 for the month, report:

11. **NUMBER OF HOURS BILLED**

The number of hours billed to the court for the work performed by the appointee or the

appointee's employees, including paralegals.

12. TOTAL BILLED EXPENSES

The total dollar amount of expenses billed to the court for the work performed by the appointee or the appointee's employees, including paralegals.

How to Submit Reports

All reports must be entered into the reporting database at <http://card.txcourts.gov/>. Please refer to **Instructions for Reporting Database** posted at <http://www.txcourts.gov/reporting-to-oca/appointments-and-fees/district-county/> for more information.

Sample lists of position titles and sources of fees are included below to aid you in preparing your monthly report. These are partial lists only—there may be additional positions to which a person may be appointed or sources of fees.

POSITION TO WHICH APPOINTED

SOURCE OF FEES

Positions applicable to Chapter 36 – Reporting is required.

Ad Litem
 Attorney (if serving as Ad Litem)
 Attorney Ad Litem
 Competency Evaluator (guardianship)
 Doctor
 Guardian
 Guardian Ad Litem
 Mediator
 Permanent Guardian
 Physician ^b
 Psychologist
 Temporary Guardian

Applicant
 County
 Defendant
 Estate
 General Fund
 Insurance
 Managing Conservator
 Named Person (*i.e., individual identified by name*)
 The Parties
 Plaintiff
 Possessory Conservator
 Pro Bono
 Registry of the Court
 State
 Trust
 Trustee
 Unknown

Examples of other Appointed Positions – Reporting is optional.

Administrator
 Amicus attorney
 Appraiser
 Arbitrator
 Certified Public Accountant
 Commissioner
 Court Visitor
 Executor
 Friend of the Court
 Hearing Officer
 Interpreter
 Investigator
 Master
 Master in Chancery
 Personal Representative
 Receiver
 Referee
 Social Worker
 Trustee
 Umpire

If additional selections need to be added to the database for the **Position to Which Appointed** or **Fee Source** fields, contact the Judicial Information Section.

JudInfo@txcourts.gov

^b If serving as **competency evaluator** in **guardianship** case.