

# **Justice Court Civil Cases and Actions**

**Prepared by the Office of Court Administration (OCA)**

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**1. Civil Suit or Action (Original)**

Fee Type	Amount
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<i>Statewide Required Filing Fees (Set Amounts)</i>	
(1) State Consolidated Civil Fee	\$21.00
(2) Local Consolidated Civil Fee	\$33.00
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<b>Total Filing Fees</b>	<b>\$54.00</b>

## 2. Delinquent Tax Case

Fee Type	Amount
<b><i>Statewide Required Filing Fees (Set Amounts)</i></b>	
(1) State Consolidated Civil Fee	\$21.00
(2) Local Consolidated Civil Fee	\$33.00
<b>Total Filing Fees</b>	<b>\$54.00</b>

- NOTES:**
- (a) *If the plaintiff in a delinquent tax case is “a taxing unit,” the plaintiff does not have to pay any filing fees. Texas Tax Code § 33.49. A “taxing unit” is defined in Section 1.04 of the Tax Code to mean any political unit of the State that is authorized to impose, and is imposing, ad valorem property taxes (e.g., counties, cities, and school districts). Because delinquent tax cases are always brought by taxing units, plaintiffs never pay filing fees in delinquent tax cases. But the calculation of filing fees in delinquent tax suits is not an empty exercise because often the filing fees are assessed as court costs against an unsuccessful defendant.*
  - (b) *An “Application for Tax Warrant” is an independent civil case brought pursuant to Sections 33.21—33.23 of the Texas Tax Code. The law is not entirely clear as to whether such a case is technically a delinquent tax case. For purposes of filing fees, the most common (and probably best) practice is to treat applications for tax warrants as delinquent tax cases.*

**3. Eviction Proceeding**

Fee Type	Amount
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<b><i>Statewide Required Filing Fees (Set Amounts)</i></b>	
(1) State Consolidated Civil Fee	\$21.00
(2) Local Consolidated Civil Fee	\$33.00
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<b>Total Filing Fees</b>	<b>\$54.00</b>

**NOTE:**      *This category includes forcible detainers, forcible entry and detainers, and writs of re-entry.*

#### **4. Foreign Judgment**

A person filing a foreign judgment shall pay to the clerk the amount provided by law for filing the case in the justice courts of this state. *See* Civil Practice & Remedies Code, Section 35.007.

**NOTE:**            *Currently, this amount is \$54.00.*

## **5. Transfer of Case from Another County**

The fee for filing a case or action transferred from **another** county is the same fee that would have been assessed had the case or action been filed in the receiving court.

- NOTES:**
- (a) *The fee for filing a case transferred from **another** county follows the case.*
  - (b) *This category includes cases transferred or received from **another county, not from another court in the same county.***
  - (c) *This page does not apply to cases transferred pursuant to an appeal.*
  - (d) *Unpaid costs incurred prior to the filing of the case are taxed against the plaintiff. The clerk shall notify the plaintiff or his attorney that the transfer has been completed, that the filing fee in the receiving court is due and payable no later than fourteen days after receiving notice to pay the filing fee in the new court or to file a Statement of Inability to Afford Payment of Court Costs, and that the case may be dismissed if the filing fee is not timely paid. See Rule 502.4(d)(1)(G), Texas Rules of Civil Procedure.*

## **6. Court Cost in Truancy Court Proceeding**

Filing fees may not be assessed against the state for filing the petition. *See* Family Code §65.054. However, under certain conditions, the court must assess a \$50.00 court cost against the child, the child's parent, or a person responsible for the child's support. *See* Special Note (1) below.

- NOTES:**
- (a) *Before imposing a \$50 court cost, the court must provide a reasonable opportunity for the child, the child's parent, or other person responsible for the child's support to be heard and find that the child, parent, or other person is financially able to pay the court cost. The court's order to pay the court cost must be in writing and signed by the judge before it is payable (See Family Code §65.107).*
  - (b) *The court cost must be deposited in a special account to be used only to offset the cost of operating the truancy court.*
  - (c) *No other cost may be assessed.*

## 7. Expunctions

Fee Type	Amount
<b><i>Statewide Required Filing Fees (Set Amounts)</i></b>	
(1) State Consolidated Civil Fee	\$21.00
(2) Local Consolidated Civil Fee	\$33.00
(3) Expunction Filing Fee	\$100.00
<b>Total Filing Fees</b>	<b>\$154.00</b>

**NOTE:** *The court must waive fee No. 3 if there is an acquittal other than an acquittal under Art. 55.01(c), CCP, and the petitioner files his or her petition no later than 30 days after the acquittal, or if the petitioner is entitled to the expunction because of the successful completion of a veterans treatment court program or any other program authoring a waiver upon successful completion of the program.*

**8. Nondisclosures Under Section 411.072**

Fee Type	Amount
<b><i>Statewide Required Filing Fees (Set Amounts)</i></b>	
(4) Fee For Order of Nondisclosure under §411.072	\$28.00
<b>Total Filing Fees</b>	<b>\$28.00</b>

- NOTES:**
- (a) *Senate Bill 41, 87<sup>th</sup> Legislature Session, did not repeal the \$28.00 fee that a person must pay before an order issues under §411.072, Gov't Code.*
  - (b) *Do not assess the consolidated civil fees on requests, petitions, or orders under §411.072, Gov't Code, as defendants are not required to file a petition for an order under the section.<sup>1</sup> OCA has provided a model letter for defendants to submit to the court. This letter is not a petition and should be used only if the court has not issued the order when required to do so under the section.*

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<sup>1</sup> Section 411.072, Gov't Code, does not require a defendant to file a petition for an order of nondisclosure, so a clerk must not assess general filing fees when a defendant requests an order under §411.072. Compare the language of §411.072(b) with the language of §§411.0725(b), 411.0727(b), 411.0728(b), 411.073(b), 411.0731(b), 411.0735(b), and 411.0736(b), Government Code. Unlike the aforementioned sections, §411.072(b) does not contain language requiring a defendant, "to petition the court" or "to file with the court .... a petition."

**9. Petitions for Nondisclosure**  
**(Other Than Orders Under §411.072, Gov't Code)**

Fee Type	Amount
<i>Statewide Required Filing Fees (Set Amounts)</i>	
(1) State Consolidated Civil Fee	\$21.00
(2) Local Consolidated Civil Fee	\$33.00
<b>Total Filing Fees</b>	<b>\$54.00</b>

- NOTES:**
- (a) *These fees do not apply to automatic orders of nondisclosure issued under §411.072, Gov't Code, as defendants are not required to file a petition for an order under that section.<sup>2</sup>*
  - (b) *These are the only fees authorized for the filing of a petition for an order of nondisclosure other than an order under §411.072, Gov't Code. Senate Bill 41, 87<sup>th</sup> Legislature Session, repealed the \$28 fee that a person must pay before the order issues.*

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<sup>2</sup> Compare the language of §411.072(b) with the language of §§ 411.0725(b), 411.0727(b), 411.0728(b), 411.073(b), 411.0731(b), 411.0735(b), and 411.0736(b), Government Code. Unlike these other sections, § 411.072(b) does not contain language that requires a person to “petition the court” or “to file with the court .... a petition.”

**10. All Actions**

Fee Type	Amount
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<b><i>Statewide Required Filing Fees (Set Amounts)</i></b>	
(1) State Consolidated Civil Fee	\$21.00
(2) Local Consolidated Civil Fee	\$33.00
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<b>Total Filing Fees</b>	<b>\$54.00</b>

- NOTES:**
- (a) *This category includes any action other than an original action for a civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third party action.*
  - (b) *The fee is paid by the party initiating the action at the time the action is initiated.*