

County-Level Court Civil Filing Fees

Prepared by the Office of Court Administration (OCA)

Effective January 1, 2022

I. Statewide Required Filing Fees (Set Amounts)

1. Local Consolidated Civil Fee (Original Civil Case)	2
2. Local Consolidated Civil Fee (Probate, Guardianship, & Mental Health Cases)	3
3. State Consolidated Civil Fee (Civil, Probate, Guardianship, & Mental Health Cases)	4
4. Inventory and Appraisal Late Fee	5
5. Annual or Final Account Fee	6
6. Application-for-Sale-of-Property Fee	6
7. Annual or Final Report-of-Guardian-of-Person Fee	6
8. Lengthy Document Fee	7
9. Claim-Against-Estate Fee	7
10. SAPCR Transfer Fee	7
11. Copy-of-Writ-of-Income-Withholding-to-Subsequent-Employer Fee	8
12. Copy-of-Judicial-Writ-of-Income-Withholding-to-Subsequent-Employer Fee	8
13. Fraudulent Judgment Lien/Fraudulent Lien or Claim Fee.....	8
14. Jury Fee	9

II. Statewide Optional Filing Fees (Set Amounts)

15. Clerk's Fee (Action within SAPCR)	10
---	----

III. Statewide Optional Filing Fees (Varying Amounts)

16. Domestic Relations Office (DRO) Initial Operations Fee	11
17. Domestic Relations Office (DRO) Initial Child Support Service Fee	11
18. Administrative Writ of Income Withholding Fee	12
19. Modification-to-Withholding or Termination-of-Withholding Fee	12

IV. Other Fees (If Applicable)

20. Fee for Orders of Nondisclosure under §411.072	13
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I. Statewide Required Filing Fees (Set Amounts)

(1) LOCAL CONSOLIDATED CIVIL FEE (ORIGINAL CIVIL CASE)

Source: Local Government Code §135.101

Amount: (a) Any *new* civil case, except a probate, guardianship, or mental health case.....\$213.00
(b) Any subsequent filing or action in the case, other than an original filing or action subject to the fee in (a) above.....\$35.00

Statewide: Yes

Applicability: \$213.00 - All new *civil cases*, except those mentioned above and cases with no filing fee (*see* District Court Civil Cases and Actions – Part III); “*Civil cases*” includes family law cases, but not a SAPCR¹ transferred from another county (*see* page 26 of County-Level Court Civil Cases and Actions) or juvenile law cases and proceedings under Title 3, Family Code. ***This fee does not apply*** to automatic orders of nondisclosure issued under §411.072, Gov’t Code.

\$35.00 - “Subsequent filing or action” includes appeals, counterclaims, cross-actions, interventions, contempt actions, interpleaders, motions for new trial, and third-party actions. ***However, this fee does not apply to certain subsequent family-law filings and actions***, including administrative writs of income withholding (*see* page 35 of County-Level Court Civil Cases and Actions), contempt actions in SAPCR cases (*see* page 36 of County-Level Court Civil Cases and Actions), motions for enforcement in SAPCR cases (*see* page 40 of County-Level Court Civil Cases and Actions); motions for modifications in SAPCR cases (*see* page 41 of County-Level Court Civil Cases and Actions), motions to revoke a stay of license suspension in SAPCR cases (*see* page 43 of County-Level Court Civil Cases and Actions), motions to transfer venue in SAPCR cases (*see* page 44 of County-Level Court Civil Cases and Actions), notices of application for judicial writ of withholding in SAPCR cases (*see* page 45 of County-Level Court Civil Cases and Actions), petitions for license suspension in SAPCR cases (*see* page 46 of County-Level Court Civil Cases and Actions), and requests to modify or terminate writs of withholding (*see* page 47 of County-Level Court Civil Cases and Actions).

Local Option: No – Fee is mandatory.

Destination: The county treasurer will allocate the fee, in accordance with §135.101(b) or (c), to some or all of the following accounts and funds:

¹ “SAPCR” means a suit affecting the parent-child relationship.

- (a) Appellate Judicial System Fund
- (b) Court Facility Fee
- (c) Clerk of the Court Account
- (d) County Records Management and Preservation Account
- (e) Court Reporter Service Fund
- (f) County Law Library Fund
- (g) Courthouse Security Fund
- (h) Language Access Fund
- (i) County Jury Fund
- (j) County Dispute Resolution Fund

(2) LOCAL CONSOLIDATED CIVIL FEE (ORIGINAL PROBATE, GUARDIANSHIP AND MENTAL HEALTH CASES)

Source: Local Government Code §135.102

Amount: (a) Any *new* probate, guardianship, or mental health case.....\$223.00
 (b) Any subsequent filing or action, other than an original filing or action subject to the fee in (a) above\$75.00

Statewide: Yes

Applicability: \$223.00 – all *new* probate, guardianship, and mental health cases

\$75.00 – “Subsequent filing or action” includes adverse probate actions, contests, or suits in a probate court, other than the filing of a claim against an estate, in which the movant or applicant filing the intervention pleading seeks any affirmative relief. ***However, this fee does not apply to certain subsequent filings and actions***, including an inventory and appraisal (see pages 53 and 54 of County-Level Court Civil Cases and Actions), an annual or final account (see page 55 of County-Level Court Civil Cases and Actions), an application for sale of property (see page 56 of County-Level Court Civil Cases and Actions), an annual or final report of the guardian (see page 57 of County-Level Court Civil Cases and Actions), a lengthy delayed of probate document (see page 58 of County-Level Court Civil Cases and Actions), and a claim against the estate (see page 59 of County-Level Court Civil Cases and Actions).

Local Option: No – Fee is mandatory.

Destination: The county treasurer will allocate the fee, in accordance with §135.102 (b) or (c), to some or all of the following accounts and funds:

- (a) Appellate Judicial System Fund
- (b) Court Facility Fee Fund
- (c) Clerk of the Court Account
- (d) County Records Management and Preservation Account

- (e) Court Reporter Service Fund
- (f) County Law Library Fund
- (g) Courthouse Security Fund
- (h) Language Access Fund
- (i) County Jury Fund
- (j) County Dispute Resolution Fund
- (k) Court-Initiated Guardianship Fund
- (l) Judicial Education and Support Fund
- (m) Public Probate Administrator Fund

(3) STATE CONSOLIDATED CIVIL FEE

Source: Local Government Code §133.151

Amount: (a) Any *new* civil, probate, guardianship, or mental health case...\$137.00
 (b) Any subsequent filing or action in the case (other than an original filing or action subject to the fee in (a) above)\$45.00

Statewide: Yes

Applicability: \$137.00 – All *new* civil, probate, guardianship, and mental health cases, **except** those with no filing fee (*see* District Court Civil Cases and Actions – Part III); “*Civil cases*” includes family law cases, but not a SAPCR² transferred from another county (*see* page 26 of County-Level Court Civil Cases and Actions) or juvenile law cases and proceedings under Title 3, Family Code. ***This fee does not apply*** to automatic orders of nondisclosure issued under §411.072, Gov’t Code.

\$45.00 – “Subsequent filing or action” includes appeals, counterclaims, cross-actions, interventions, contempt actions, adverse probate actions, interpleaders, motions for new trial, and third-party actions. ***However, this fee does not apply to certain subsequent family-law and probate filings and actions***, including administrative writs of income withholding (*see* page 35 of County-Level Court Civil Cases and Actions), contempt actions in SAPCR cases (*see* page 36 of County-Level Court Civil Cases and Actions), motions for enforcement in SAPCR cases (*see* page 40 of County-Level Court Civil Cases and Actions); motions for modifications in SAPCR cases (*see* page 41 of County-Level Court Civil Cases and Actions), motions to revoke a stay of license suspension in SAPCR cases (*see* page 43 of County-Level Court Civil Cases and Actions), motions to transfer venue in SAPCR cases (*see* page 44 of County-Level Court Civil Cases and Actions), notices of application for judicial writ of withholding in SAPCR cases (*see* page 45 of County-Level Court Civil Cases and Actions), petitions for license suspension in SAPCR cases (*see* page 46 of

² “SAPCR” means a suit affecting the parent-child relationship.

County-Level Court Civil Cases and Actions), requests to modify or terminate writs of withholding (*see* page 47 of County-Level Court Civil Cases and Actions), an inventory and appraisal (*see* pages 53 and 54 of County-Level Court Civil Cases and Actions), an annual or final account (*see* page 55 of County-Level Court Civil Cases and Actions), an application for sale of property (*see* page 56 of County-Level Court Civil Cases and Actions), an annual or final report of the guardian (*see* page 57 of County-Level Court Civil Cases and Actions), a lengthy delayed of probate document (*see* page 58 of County-Level Court Civil Cases and Actions), and a claim against the estate (*see* page 59 of County-Level Court Civil Cases and Actions).

Local Option: No – Fee is mandatory.

Destination: The Comptroller will allocate the fee, in accordance with §133.151(c) or (d) to some or all of the following accounts and funds:

- (a) State Judicial Fund
- (b) Basic Civil Legal Services Account
- (c) Statewide Electronic Filing System Fund
- (d) Judicial And Court Personnel Training Fund
- (e) County may retain interest earned on fee
- (f) County **cannot** retain a service collection fee

NOTE: SB 41 repealed §133.058(c), Local Gov't Code, and amended §133.058(d)(4), Local Gov't Code, to prohibit a service fee for the collection of this fee and the indigent legal services fee. On January 1, 2022, the indigent legal services fee will no longer exist as a standalone fee. Instead, a portion of this fee will be allocated to the Basic Civil Legal Services Account.

(4) INVENTORY AND APPRAISEMENT LATE FEE

Source: Local Government Code §118.052(2)(B)(i); §118.056(d)

Amount: \$25.00

Statewide: Yes

Applicability: All inventories and appraisements filed after the 90th day after the date the personal representative has qualified to serve or, if the court grants an extension under §309.051, Estates Code, after the date of the extended deadline specified by the court.

Local Option: No – Fee is mandatory.

Destination: County General Fund

(5) ANNUAL OR FINAL ACCOUNT FEE

Source: Local Government Code §118.052(2)(B)(iv)

Amount: \$25.00

Statewide: Yes

Applicability: All annual accounts and final accounts

Local Option: No – Fee is mandatory.

Destination: County General Fund

(6) APPLICATON-FOR-SALE-OF-PROPERTY FEE

Source: Local Government Code §118.052(2)(B)(v)

Amount: \$25.00

Statewide: Yes

Applicability: All applications for sale of real or personal property

Local Option: No – Fee is mandatory.

Destination: County General Fund

(7) ANNUAL OR FINAL REPORT-OF-GUARDIAN-OF-PERSON FEE

Source: Local Government Code §118.052(2)(B)(vi)

Amount: \$10.00

Statewide: Yes

Applicability: All annual reports and final reports of guardians of persons

Local Option: No – Fee is mandatory.

Destination: County General Fund

(8) LENGTHY DOCUMENT FEE

Source: Local Government Code §118.052(2)(B)(vii)

Amount: \$25.00

Statewide: Yes

Applicability: Any document (other than an inventory and appraisalment, an annual or final account, an application for the sale of property, or an annual or final report of a guardian of a person) more than 25 pages in length filed in a probate case after the earlier of: (1) the filing of an order approving an inventory and appraisalment; or (2) the 120th day after the date of the initial filing of the case

Local Option: No – Fee is mandatory.

Destination: County General Fund

(9) CLAIM-AGAINST-ESTATE FEE

Source: Local Government Code §118.052(2)(D); §118.058

Amount: \$10.00

Statewide: Yes

Applicability: All claims against estates

Local Option: No – Fee is mandatory.

Destination: County General Fund

(10) SAPCR TRANSFER FEE

Source: Family Code §110.005

Amount: \$45.00

Statewide: Yes

Applicability: Any SAPCR case transferred from another county.

Local Option: No – Fee is mandatory.

Destination: County General Fund

(11) COPY-OF-WRIT-OF-INCOME-WITHHOLDING-TO-SUBSEQUENT-EMPLOYER FEE

Source: Family Code §8.267

Amount: \$15.00

Statewide: Yes

Applicability: Upon filing of a writ of withholding after a party has delivered a copy of the writ to a subsequent employer

Local Option: No – Fee is mandatory.

Destination: County General Fund

(12) COPY-OF-JUDICIAL-WRIT-OF-INCOME-WITHHOLDING-TO-SUBSEQUENT-EMPLOYER FEE

Source: Family Code §158.319

Amount: \$15.00

Statewide: Yes

Applicability: Upon the filing of a judicial writ of withholding after a party has delivered a copy of the writ to a subsequent employer

Local Option: No – Fee is mandatory.

Destination: County General Fund

(13) FRAUDULENT JUDGMENT LIEN/ FRAUDULENT LIEN OR CLAIM FEE

Sources: Civil Practice & Remedies Code §12.005

Amount: Same fee for filing an original civil case (Currently, \$350.00)

Statewide: Yes

Applicability: New fraudulent lien cases

Local Option: No – Fee is mandatory.

Destination: See Destination for the local and state consolidated civil fees above.

NOTE: SB 41 repealed subsections (b) and (d) of §12.005, Civil Practice & Remedies Code. Effective January 1, 2022, the fee for filing an action under §12.005 is the fee that generally applies to the filing of a civil case. The \$20 fee for notice of service of this action has been repealed. However, a clerk may assess an \$8.00 service fee for the notice, as authorized by §118.052(3)(A), Local Gov't Code.

(14) JURY FEE

Sources: Texas Rules of Civil Procedure, Rule 216

Amount: \$5.00

Statewide: Yes

Applicability: Upon filing of a written jury demand

Local Option: No – Fee is mandatory

Destination: County General Fund.

NOTE: SB 41 did not repeal or prohibit the application of TRCP Rule 216, so clerks can collect a \$5.00 jury fee when a written jury demand is made in a case filed after January 1, 2022.

The situation is more complicated when a written jury demand is made on or after January 1, 2022 in a case filed before that time. Some appellant courts may find that the \$5.00 fee cannot be assessed on cases filed before January 1, 2022, regardless of when the jury demand is made. However, we believe the fee is assessed at the amount in effect when the demand is made, not when the case is filed, as this is a service fee. Our position is that the \$5.00 fee can be assessed on all jury demands made after January 1, 2022, even if the case was filed prior to that date.

Hopefully, the Legislature will address this issue next session. In the meantime, each court must decide on which approach to take.

II. Statewide Optional Filing Fees (Set Amounts)

(15) CLERK’S FEE (ACTION WITHIN SAPCR)

Source: Family Code §110.002

Amount: \$15.00

Statewide: Yes

Applicability: (a) The following actions in a SAPCR case:

- contempt action (motion for contempt)
- motion for enforcement (motion to enforce)
- motion for modification (motion to modify)(case for modification)
- motion to revoke a stay of license suspension
- motion to transfer
- notice of application for judicial writ of withholding
- petition for license suspension

Local Option: Yes – Clerk “may” collect this fee

Destination: County General Fund

III. Statewide Optional Filing Fees (Varying Amounts)

(16) DOMESTIC RELATIONS OFFICE (DRO) INITIAL OPERATIONS FEE

Source: Family Code §203.005(a)(1)

Amount: \$0.01 to \$15.00

Statewide: No -- Only in counties that have established a Domestic Relations Office under Family Code, §203.002.

Applicability: All new SAPCR cases and all motions to modify and motions to enforce in SAPCR cases

Local Option: Yes –

(a) Fee can be collected if Commissioners Court establishes a County Domestic Relations Office.

(b) “Administering Entity” (either Commissioners Court or Juvenile Board) “may” authorize collection of the fee.

(c) Administering entity sets the fee amount and provides for exemptions.

Destination: Either of the following two funds:

(a) County General Fund; or

(b) County Domestic Relations Office Fund

(17) DOMESTIC RELATIONS OFFICE (DRO) INITIAL CHILD SUPPORT SERVICE FEE

Source: Family Code §203.005(a)(2)

Amount: \$0.01 to \$36.00

Statewide: Yes

Applicability: All new SAPCR cases (does not include motions to modify or enforce)

Local Option: Yes –

(a) Fee can be collected if the Commissioners Court establishes a County Domestic Relations Office, and the County enters into a “child support cooperative agreement” with the Title IV-D Agency.

(b) “Administering Entity” (either Commissioners Court or Juvenile Board) “may” authorize collection of the fee.

(c) Administering Entity sets the fee amount and provides for exemptions.

Destination: Either of the following two funds:
(a) County General Fund; or
(b) County Domestic Relations Office Fund

(18) ADMINISTRATIVE WRIT OF INCOME WITHHOLDING FEE

Source: Family Code §158.503

Amount: \$0.01 to \$15.00

Statewide: Yes

Applicability: Administrative writs of income withholding filed in SAPCR cases

Local Option: Yes –
(a) Clerk “may” charge the fee
(b) Clerk sets fee amount

Destination: County General Fund

NOTE: Section 231.204, Family Code, prohibits a clerk from assessing a filing fee against a Title IV-D agency or Domestic Relations Office, unless such fee is authorized by §231.202 of the Family Code, which authorizes a reasonable fee not to exceed \$15.00 for filing an administrative writ of withholding under §158.503(d), Family Code.

(19) MODIFICATION-TO-WITHHOLDING OR TERMINATION-OF-WITHHOLDING FEE

Source: Texas Family Code §158.403

Amount: \$0.01 to \$15.00

Statewide: Yes

Applicability: All requests for the issuance and delivery to a child support obligor of a modified writ of withholding or notice of termination of withholding.

Local Option: Yes – District Clerk “may” set fee

Destination: County General Fund

IV. Other Fees (If Applicable)

(20) FEE FOR ORDERS OF NONDISCLOSURE UNDER §411.072 FOR CERTAIN NONVIOLENT MISDEMEANORS

Source: Government Code §411.072

Amount: \$28.00

Statewide: Yes

Applicability: If the court is required to issue an order of nondisclosure under §411.072(b), Government Code, the petitioner (defendant) must pay this fee before the court issues the order.

A defendant is not required to file a petition for an order under §411.072.³ Therefore, general filing fees are not authorized. OCA has provided a model letter for defendants to submit to the court. The letter is not a petition and should be used only if the court has not performed its duties under §411.072⁴ when required.

Local Option: No – Fee is mandatory.

Destination: 100% of the fee is retained by the county⁵

NOTE: Although SB 41 amended §411.0745(b), Gov't Code, to repeal the \$28 fee that must accompany a petition for an order of nondisclosure, it did not repeal the \$28 fee that a petitioner must pay before an automatic order of nondisclosure issues under §411.072, Gov't Code.

³ 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). Unlike these other sections, Section 411.072(b) does not contain a sentence with language the same as or similar to, “the person may petition the court” or “the person is entitled to file with the court... a petition.”

⁴ The court is mandated to take certain actions if a defendant receives a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, of a qualifying case (*See §411.072(a) for what constitutes a qualifying case*).

⁵ Senate Bill 41, 87th Legislature Session, repealed §411.077(a), Gov't Code, which required the clerk to remit the fee to the Comptroller.