

# Frequently Asked Questions

District and County-Level Court Reports Effective September 1, 2010

*Note: Statutory county courts include county courts at law, county criminal courts, county criminal courts at law, county criminal courts of appeal, county civil courts at law, and statutory probate courts.*

**1. Do I need to submit one report for each court or just one report for all the courts in the county?**

In counties with more than one district court or statutory county court, OCA prefers that one report be submitted for all district courts in the county or all statutory county courts in the county. However, we will accept reports by court if the clerk or judges in the county prefer to report in that manner.

**2. How do I report felony (or juvenile, or family, etc.) cases when my courts do not have jurisdiction over those cases?**

If the courts for which you are responsible do not hear a particular type of case, you should not submit that section of the monthly report.

However, if the courts do have jurisdiction but have not had any activity for the month, you must submit the relevant section(s) of the report indicating that there has been no activity for that month. (The failure to report “no activity” is a very common problem with the juvenile and probate sections of the monthly report).

**3. *The district clerk is responsible for all or some of the records for the county courts at law and cases are filed in the district court then sent to the county courts at law to be heard and disposed of.***

*Our county has an exchange of benches system, where cases are filed in the district courts, but any of the district or statutory county court judges may hear them.*

**How am I supposed to report cases filed in the district courts but disposed of by the county courts at law?**

Whatever the case may be in your county, the activity reported in the district report should contain information on cases handled (disposed of) by the district courts only, and the statutory county court report should contain information for the county courts at law only. This has always been the rule for reporting, but we still encounter reports where the county court at law activity is being credited to the district courts. It is very important to give the correct court the credit for handling a case so that the statistics are accurate and meaningful reflections of each court’s workload.

(Note: The statistics should be reported for the court, not a particular judge. Thus, if District Judge Joe Smith sits on the bench of the County Court at Law, the cases that Judge Smith disposed of are credited to the County Court at Law).

If the county courts at law regularly hear a portion of the cases filed in the district courts, the case management system or reports generated from that system must be modified to credit the filing and disposition of those cases to the county courts at law.

If the cases are docketed in the district courts then are later sent to the county courts at law, report the cases disposed of as a Transfer on the district court report, then report them as All Other Cases Added on the statutory county court report.

**4. Do I need to go back and reclassify all of my old pending caseload into the new case categories?**

No, you are not required to recategorize pending cases. However, on September 1, 2010, these cases must be reported on the new form. If a county is unable to reclassify cases pending on or before August 31, 2010 into the new categories, the pending cases should be reported as pending or disposed on or after September 1, 2010 as follows:

<b>Old Category</b>	<b>New Category</b>
<b>District Criminal</b>	
Assault or Attempted Murder	Aggravated Assault or Attempted Murder
Arson	Other Felony
Other Proceedings	Civil Cases Relating to Criminal Matters—Civil Section
<b>Misdemeanors</b>	
DWI	DWI—First Offense
Theft or Worthless Checks	Theft
Drug Offenses	Other Drug Offenses
Assault	Assault—Other
<b>Juvenile</b>	
Delinquent Conduct	All Other Offenses
<b>District Civil</b>	
Injury/Damage: Other than Motor Vehicle	Injury/Damage: Other
Accounts, Contract & Notes	Contract: Consumer/Commercial/Debt
Workers' Compensation	Other Civil
<b>County Court Civil</b>	
Injury/Damage: Other than Motor Vehicle	Injury/Damage: Other
<b>Family</b>	
Divorce	Divorce: Children
Reciprocals	Title IV-D: UIFSA
<b>Probate</b>	
Probate Cases	Probate: All Other Cases

For instance, Arson cases pending as of August 31, 2010 must be added to the Other Felonies category on September 1.

**5. How will I know what category to put a case in, particularly in civil cases, where there may be more than one issue in the case?**

In civil and family law cases, OCA strongly recommends that you require the attorneys or the litigants filing a case to complete a case cover sheet so that the attorney or litigant is responsible for identifying the nature of

the case. The Texas Judicial Council has adopted model case cover sheets that may be modified for local use. The model cover sheets are posted at <http://www.courts.state.tx.us/oca/required.asp>.

For criminal and juvenile cases, please see the Excel files entitled Charts Comparing New and Current Reports, which is posted at <http://www.courts.state.tx.us/oca/required.asp>. This file contains lists of DPS offense codes categorized by OCA case categories (misdemeanors, felonies, and juvenile cases).

#### **6. What if a case is initially filed under one category but is later changed to another category?**

As a general rule, count the case under the original case category. However, if the original case category was selected in error, or the change in case category is significant, you should file an amended report(s) making the correction(s) for each month affected by the change.

Another option, but the least desirable one, is entering a docket adjustment in one month's report to correct the number of cases pending in each case category.

#### **7. How should transfers between district courts (or between statutory county courts) be reported?**

**Transfers between courts of the same type should not be counted on the OCA monthly report.** The OCA report captures only the filing and ultimate disposition of a case. Transfers are to be counted only when a case is transferred to a different type of court (district court, statutory county court, or constitutional county court).

In addition, the vast majority of counties submit only one report per court type per county, so transfers between courts types would never be counted on the report.

**For counties that use OCA-based reports to track the activity of each court locally but do not report activity by court to OCA,** you must have some way to track internal transfers in your case management system so that the reports for each court are balanced. However, do **not** count these transfers on the OCA monthly report.

Example:           Case filed in January 2009 in Court A  
                          Case transferred to Court B in March 2009  
                          Case disposed by Court B in May 2009

On internal report:       Filing counted for Court A in January  
                                  Transfer out counted for Court A in March  
                                  Transfer in counted for Court B in March  
                                  Disposition counted for Court B in May

On OCA report:            Filing counted in January  
   Disposition counted in May

**For counties that report information to OCA for individual courts**, enter a docket adjustment in the month after the transfer is completed to correct the number of cases pending in each case category at the beginning of the month. You will subtract cases from the transferring court and add them to the receiving court(s).

**8. The instructions for the monthly reports say that the disposition of a case is to be reported in the same category in which the case was reported filed. What if I have a case that was filed when the current reports were in effect and it is disposed of when the new categories are in effect?**

On September 1, 2010, all pending cases must be categorized in the new case categories according to the instructions set out in the [Guidelines for Transition to New Judicial Council Reports](#) document. When a case is disposed of, report the disposition in the new case category.

For example, an Arson case is filed in January 2010 and is still pending when the new reports take effect. On September 1, it is classified as pending under Other Felonies. When the case is disposed of in December 2010, it is reported as a disposition under Other Felonies.

**9. As a clerk, I do not know when hearings are held. These are handled by the court. How will I be able to report the information required about hearings?**

Where ever possible, data elements were tied to a document that the clerk processes. However, some items were included on the new reports because they were considered critical to accurately reflect court workload.

Thus, a number of items on the new reports will require collaboration between clerks, judges, court staff, and case management vendors or information technology staff to determine the best methods to collect, compile, and report the required information. The arrangements or processes developed for obtaining the information from the courts will likely be unique in each county.

**10. The reporting instructions say that the age of cases calculation is only supposed to include time that the case was considered "active." Some cases might become active then inactive many times. Does that mean that we will need to keep track of all the times that the case is active?**

Yes.

**11. What date should be used to determine when a criminal or juvenile case becomes reactivated—the date of arrest or the date of the defendant's first hearing?**

The date of the defendant's first hearing is our preference. If you do not have access to accurate information about the date of the first hearing, use the date of arrest (date the warrant was executed).

## 12. Questions about Civil and Family Cases

### **a. Post-judgment motions in divorce cases are reported as a Show Cause or Similar Motion filed in the All Other Family Law category of the current report. How do I report these on the new report form?**

These matters will be captured under four new Post-Judgment Action case categories:

- a) Modification – Custody
- b) Modification – Other
- c) Enforcement or
- d) Title IV-D.

When a post-judgment motion is filed in a family law case, count it as a New Case Filed under the appropriate Post-Judgment Action case category.

### **b. I understand that a post-judgment motion should be counted as a new filing under the appropriate Post-Judgment Action case category. However, many motions may be filed under the same cause number. Which motions get counted, and how do they get counted?**

It depends on what the motion is.

Motions for modification and enforcement filed pursuant to Chapters 156 and 157, Family Code are counted as a new filing, since they are essentially a new suit. 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.

Pre-trial motions are not counted on the monthly report since they do not initiate a case. Examples include:

- 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.

- c. In both the Civil and Family sections, a reinstated case is listed as an example of a Reactivated Case. In my county, a “reinstated” case is one that was disposed of but the judge signs an order reinstating the case, and the case goes back to the court’s active docket. Should cases that were disposed of be included in the Cases Reactivated category?**

No. 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 the All Other Cases Added line.

- d. A notice/suggestion of bankruptcy pertaining to one defendant has been filed in a case. The case is not severed to exclude that defendant, and the case continues on with the other defendants. How should this case be treated in terms of active and inactive pending status?**

Since the case continues to progress, the case is considered active. The notice/suggestion of bankruptcy should not inactivate the case unless the case is completely stayed.

- e. On the old form, there was only one place to report the disposition of show cause and similar motions in family law cases following entry of original judgment. Where do I report dispositions of these cases on the new form?**

Report disposition of these cases just as you would the disposition of an original case. A case should be reported as disposed in the category that best reflects how the case was disposed (by default, by agreed order, by jury trial, etc.).

## **15. Questions about Criminal Cases**

- a. How should I report a case in which the person is put on a pre-trial diversion program?**

The case should be reported in the same manner that a deferred adjudication is reported. Report a disposition of Placed on Deferred Adjudication at the time the defendant is placed in the program.

If the defendant complies with the requirements of the program and the case is dismissed, you will not report any further dispositions. However, the hearing should be reported under Cases Set for Review in the Additional Court Activity section.

If the defendant does not comply with the requirements of the program, the case should be counted as reopened under Motions to Revoke Probation/Community Supervision or Deferred Adjudication Filed.

- b. Where should I report a writ of habeas corpus filed before a defendant is indicted?**

Report it as a new case under Civil Cases Relating to Criminal Matters in the Civil section of the report. The disposition of the writ is counted in All Other Dispositions.

**c. How should I report a writ of habeas corpus filed on an existing criminal case?**

Report it as a new case under Civil Cases Relating to Criminal Matters in the Civil section of the report. (Even though the instructions generally say to count a case filed within an existing case in the All Other Cases Added line, writs of habeas corpus are being counted separately for reporting purposes so they should be counted as a new case separate from the criminal case). The disposition of the writ is counted in All Other Dispositions.

**16. Questions about Probate Cases**

**a. When we have a case that is a Guardianship and the Ward dies then someone files an Application to Determine Heirship, how is OCA expecting to see that reported?**

Allow the Guardianship to conclude as it naturally would when the Ward dies, and open a new filing for the Determination of Heirship. You can use the same case number, but the Determination of Heirship should be counted as a filing under All Other Matters under the Guardianship case category (All Other Matters is used to distinguish a new filing within an already filed case versus a brand new case). The disposition of the Guardianship case should be reported, as well as the disposition of the Determination of Heirship.

**b. What should be counted in line 6d (Active Cases) of the Probate and Guardianship report? Is this a cumulative count of all active cases in which an order granting guardianship has been issued, or is it a count of active cases in which an order granting guardianship has been issued during that month only?**

Every active case in which a guardianship has been granted must be counted. The purpose of this data element is to determine how many guardianships have been established statewide at any point in time.

**c. I need some clarification on what should be reported on line 6b of the Probate and Guardianship report. The instructions are the following: "b. GRANTED: Report the number of cases in which the application for guardianship or creation of a guardianship management trust was granted during the month." This reads to me as though we should report the number of cases in which an application was granted. Even if there is a Temporary and Permanent application granted in the same month, should this case be reported only once?**

No, the applications should be counted. The probate workgroup that developed the proposal intended to capture temporary guardianships as well, so even if a permanent application is granted in the same month, both applications should be counted.

**d. Should wills deposited for safekeeping be counted on the report?**

No, since there is no court proceeding, these should not be counted. Deposits of wills under Section 75 of the Probate Code should be counted as a new case under All Other Estate Proceedings.

## 17. Questions about Juvenile Cases

- a. How would I count transfers from another county for probation only on my report since I can't count it as an offense?**

You would not count it on the report unless there was a motion to modify/enforce/proceed or a similar event that brought the respondent back to court.

- b. How should I count an agreed order to modify the current terms and conditions of probation or to modify a placement of a child submitted by the Juvenile Department to the court for approval when the order is submitted without filing a motion to modify and without a formal court hearing?**

The order should not be counted since there was no motion filed and no hearing conducted.

- c. How do I count a motion to modify for probation on the report?**

You count those on Line 4—Motions to Modify, Enforce or Proceed Filed under the case category of the charge for which the juvenile was ultimately found guilty.

- d. If a Motion to Charge a Juvenile as an Adult is filed in a case, how would I report it so that it is not counted twice?**

You will have 2 cases counted. The original petition is counted as a New Petition on Line 2. The motion to charge juvenile as an adult is counted on Line 3. Each of these will need a disposition.

- e. What if the County Attorney files a petition with one charge and then files an amended petition with more charges that are more serious than the original charges?**

You should change the charge to the more serious one.

- f. What if the juvenile is being charged for one offense and is then convicted of a lesser offense?**

The disposition of the case is still reported under the category of the more serious charge.

- g. Should an Application to Restrict Access be counted on the report (Chapter 58, subchapter C of the Family Code, where DPS certifies a child's records as meeting eligibility requirements to be restricted and the Court enters an order restricting access to the records)?**

No, it should not be counted.

- h. Which detention hearings should I count for Detention Hearings Conducted?**

All detention hearings should be counted, even those that were conducted after a petition was filed.

**i. Should determinate sentence transfers to the Texas Department of Criminal Justice when the juvenile becomes an adult be counted on Line 23—Release or Transfer Hearing Held?**

No, this item only applies to cases in which the individual is still a juvenile.

## **Technical Questions**

### **1. How do I submit my reports to OCA?**

Clerks have three options:

- a) manually entering the reports into the Court Activity Reporting and Directory system (<http://card.txcourts.gov>),
- b) uploading an XML file into the system, or
- c) mailing, faxing, or emailing the report to OCA for data entry.

Approximately 98 percent of district and county clerks are reporting electronically. Option c is available only to those clerks who have obtained a waiver for electronic reporting from OCA.

### **2. How do I get my XML file tested by OCA?**

Before submitting a report for the first time, the XML file should be tested to make sure that it is formatted properly. To test an XML file, the user or vendor should upload the file into the XML tester at <http://xml.card.txcourts.gov>.

This feature will determine whether the file is properly formed XML. However, it does **not** analyze whether the information within the file is accurate or whether all of the required information in the file is present.

If you have questions about the XML tester, please contact the OCA Service Desk at [ServiceDesk@txcourts.gov](mailto:ServiceDesk@txcourts.gov).