

# Texas Online Public Information – Courts (TOPICs)

## Online Citation by Publication

### Frequently Asked Questions and Answers

Questions:	Answers:
1. Where can I learn more about online service of citation by publication?	Citation by publication to OCA’s website comes from Article 10 of Senate Bill 891 (86R), which amended several statutes related to service of citation by publication.
2. Did the new law affect the Texas Rules of Civil Procedure?	Yes. See Rule 116 (Service of Citation by Publication) and Rule 117 (Return of Citation by Publication).
3. What is the effective date for posting citations or other notices required by law on OCA’s website? How does this date impact filings?	<p>The effective date of Article 10 was <i>originally</i> June 1 (unless the article specified otherwise), but the Supreme Court subsequently extended the date to July 1, 2020.</p> <p>Article 10 is <u>not</u> a retroactive law. Consequently, clerks and filers should apply the law in effect at the time service or notice is executed, unless another statute requires otherwise. Put another way, if service was completed prior to July 1, there is no need to publish to the website because the bill was <u>not yet in effect</u> and there is no indication that the Legislature intended a retroactive application. However, for service published on or after July 1, 2020, the Legislature clearly intended the new</p>

	<p>online publication requirement to apply.</p>
<p>4. When is a clerk <u>required</u> to post a citation to the website? (<i>Updated 12/8/2020</i>)</p>	<p>Before SB 891, service of citation by publication was to the newspaper only. Now, such service must be published on OCA’s Public Information website <u>and</u> in the newspaper unless TRCP 116(b)(2) or some statute provides an exemption otherwise. OCA is not aware of situations where a filer would publish only in the newspaper but not on the website, making publication on the website the default method.</p> <p><u>SB 891 did not change the procedure or requisites for requesting a citation by publication.</u> A filer must still file an affidavit and request the clerk to issue citation by publication. The content of the citation must still meet the requisites of the rules unless a statute provides otherwise. See TRCP Rules 109, 109a, 110, and 114.</p>
<p>5. Is every citation by publication required to be published in the newspaper <u>and</u> on the website? (<i>Updated 12/8/2020</i>)</p>	<p>No. TRCP Rule 116(b)(2) does not require newspaper publication if:</p> <ul style="list-style-type: none"> <li>• The party requesting the citation files an affidavit of indigency under TRCP Rule 145;</li> <li><u>or</u></li> <li>• Publishing in the local paper would exceed \$200 per week;</li> <li><u>or</u></li> </ul>

	<ul style="list-style-type: none"> <li>• No newspaper publication exists in the county.</li> </ul>
6. Is it the clerk’s responsibility to know when a citation has to be posted only to the website?	<b><u>No.</u></b> The clerk is not responsible for determining when to publish only to the website. This is a legal determination, and the clerk is not required to make, <b><u>and should not make,</u></b> the decision for the filer.
7. Can a clerk wait to publish citation to the website so that the publication dates align with the newspaper publication?	The statutes and rules are silent as to whether the website and newspaper publications must occur simultaneously. The clerk should consult with the party requesting the posting as to the timing of the publications.
8. Should I include anything in the online citation that I would not include in the newspaper publication?	No. SB 891 did not make any substantial changes to the content of citations by publication. It merely provided an additional avenue for publishing the citation.
9. Someone has requested that I post a civil citation or civil notice on the website, but it is not a citation or notice that must be published to the website. ( <b>Added 12/8/2020</b> )	Only certain citations or notices are <i>required</i> by statute to be posted to the website. However, clerks and courts are permitted to post any civil citation or civil notice to the website upon request. How this is handled (and related fees) is a local decision.
10. After I save a citation, when will it actually post to the website?	A saved citation will post immediately. If it does not, first make sure that you correctly entered and saved the citation.

	<p>For additional help, contact us at <a href="mailto:OCA-LegalSupport@txcourts.gov">OCA-LegalSupport@txcourts.gov</a>.</p>
<p>11. Can I edit a published citation or notice?</p>	<p>If you need to correct a posted citation, you will need to repost the citation. However, if you wish to change the <u>end date</u> of a citation that is <u>currently active</u>, you may do so without reposting the citation.</p>
<p>12. How do I delete a published citation or notice? (<i>Added 12/8/2020</i>)</p>	<p>A posted citation or notice cannot be deleted. Instead, the post will roll over from “active” to “expired” and fall from the active listings. To push a post into expired status, the end date of the posting can be adjusted to speed up the expiration date.</p>
<p>13. What fees are assessed on a request for Citation by Publication on OCA’s website?</p>	<p>The clerk may charge a posting fee for posting the citation to the website. This fee is the amount set by the Commissioners Court as a posting fee for the sheriffs/constables. The clerk should not charge a second issuance fee if an issuance fee has already been charged for preparing a citation for publication in the newspaper. The issuance fee is \$8 for district clerks and \$4 for county clerks. Please check your local fees for the exact amount set for the posting fee.</p>
<p>14. How does the website calculate the posting period?</p>	<p>The website calculates the period based on the type of case, action, or notice selected and produces a default end date.</p>

	<p>Once an entry type is selected, the system allows users to extend the end date regardless of the type of case, action, or notice selected.</p> <p>Do note that users CANNOT change a start date to decrease a posting run time. Users can only change end dates.</p>
<p>15. Can I backdate a citation? (<i>Added 12/8/2020</i>)</p>	<p>No. The system does not permit backdating.</p>
<p>16. TRCP Rule 116(d)(2) states that online Citations by Publication are required to be posted for at least 28 days before the return is filed. How does that work if a statute has a different return timeline?</p>	<p>Any statute requiring a set time for publishing or posting controls over the Rules. See TRCP Rule 110 (Effect of Rules on Other Statutes).</p>
<p>17. What’s the purpose of the “Other – Citation by Publication or Notice” category?</p>	<p>The “Other – Citation by Publication or Notice” feature allows a clerk to designate the timeframe for a posting if that posting relates to an unspecified or unique case type not listed as an option on the website or was ordered by a court. Selecting this option allows you to decrease or increase the number of days the posting will be displayed on the website (e.g., any notice that requires 10-day postings).</p> <p>Note: if you use the “Other – Citation by Publication or Notice” category, please pay special attention to the end date for the posting. <u>At present, the default end date is one day.</u></p>

<p><b>18. If you are serving an Unknown Heir, Unknown Mother or Father, etc., what should you use in the name field?</b></p>	<p>Enter the name or language that appears on the citation in the party field (e.g., <i>Unknown Heirs of _____</i>, <i>Unknown Father of _____</i>, etc.). Capture as much information as possible in the name field to make it easier to identify a posting. Entering “Unknown Heirs” and nothing more may create confusion in public searches of the database and archive.</p> <p>SB 891 did not change the content or requisites for a citation that will be published to the newspaper or website. Absent a statute to the contrary, TRCP Rule 114 controls.</p>
<p><b>19. How do I log in to OCA’s citation by publication website?</b></p>	<p>If you are an authorized user, submit your email address on the login page and you will receive a link granting you access to the website. If you are <u>not</u> an authorized user, then you will <u>not</u> receive an email granting you access to the website.</p> <p><b>NOTE:</b> <u>each time</u> you wish to log in to the website you will enter your email address to receive the access link. The website will automatically log you out after 15 minutes of inactivity and you will have to log in again.</p>
<p><b>20. I entered my email address but did not receive an email that allows me to log in.</b></p>	<p>Though anyone can review the information posted on OCA’s citation by publication website, only authorized users can log in to and add information to the website. You cannot log in unless your name and</p>

	<p>email address have been added to the system to grant you authorized user status.</p>
<p>21. I am <u>clerk</u> staff and I need authorized user status.</p>	<p>The elected clerk is the manager of the account and is the only person who can add users and determine their level of access. The elected clerk can assign management duties to the deputy clerk or other designee.</p>
<p>22. I am <u>court</u> staff and I need authorized user status.</p>	<p>Please contact and coordinate with your respective district or county clerk’s office or contact OCA for authorized user access.</p>
<p>23. <u>I am an attorney, or I am a member of the general public,</u> and I want to gain access as a user to post a citation or notice to the website.</p>	<p><u>Neither attorneys nor the general public can be added as an authorized user,</u> and a clerk or other authorized user must post your citation or notice to the website. Therefore, filers and attorneys must coordinate with the clerk in order to have their citations or notices posted to the website. Attorneys and filers must file an application or request with the clerk.</p>
<p>24. I’m an authorized user, but I can’t log in to the website.</p>	<p>First, make sure you log in with the same email address that was used to register you as an authorized user.</p> <p>Second, if you receive a link but when clicked the website shows it is expired, it’s possible that your IT department has a security protocol preventing the link from working. To get around this, try to copy and paste the sign-in link into your browser. If that does not</p>

	<p>work, check with your IT department to see if a work-around is available.</p> <p>Lastly, if you don't know what your authorized user address is or if you are having difficulties logging in, please contact us at <a href="mailto:OCA-LegalSupport@txcourts.gov">OCA-LegalSupport@txcourts.gov</a>.</p>
<p>25. Can justice courts use the website?</p>	<p>Yes, but only to post a civil citation or notice on the website. Please do not post traffic or other criminal-related citations to the website.</p>
<p>26. Can municipal courts use the website?</p>	<p>Yes, but only to post a civil citation or notice on the website. Please do not post traffic or other criminal-related citations to the website.</p>
<p>27. Who receives the return?</p>	<p>The return will be sent to the email address of the authorized user that posted the citation or notice, or to the last email address signed in to make edits or changes to the posting.</p> <p>Also, any equivalent authorized user can log in to check the status of a posting or to download the return, regardless of who did the actual posting.</p>
<p>28. What should an authorized user do with the return when it is received?</p>	<p>OCA suggests the authorized user both send a copy of the return to the filer and place a copy of the return in the case file.</p>
<p>29. I am looking for the affidavit required by Estates Code</p>	<p>The return of service, issued as an unsworn affidavit as authorized by</p>

<p>§51.103(b)(4) or §1051.153(b)(4). (<i>Updated 12/8/2020</i>)</p>	<p>Civil Practice and Remedies Code §132.001, functions as this affidavit. Should you wish to have a different affidavit, please contact us at <a href="mailto:OCA-LegalSupport@txcourts.gov">OCA-LegalSupport@txcourts.gov</a>.</p>
<p>30. <u>I am an attorney, or I am a member of the general public</u>, and I requested that a citation be posted on the website. I want to know the status of the posting. (<i>Added 12/8/2020</i>)</p>	<p>When a citation is entered into the system, it immediately appears for viewing by the public at <a href="http://topics.txcourts.gov">topics.txcourts.gov</a> (TOPICs).  <u>OCA does NOT keep track of a post's status.</u> If you cannot find a posting on the TOPICs website, please contact the office that submitted the posting.</p>
<p>31. <u>I am an attorney, or I a member of the general public</u>, and I had a citation served upon OCA for publication on the website. Why hasn't it been posted? (<i>Added 12/8/2020</i>)</p>	<p>If you are trying to post a citation or notice to our website, you must coordinate that effort with the clerk of the court.</p>
<p>32. A federal court has required me to publish citation to the website. What do I do? (<i>Added 12/8/2020</i>)</p>	<p>Please contact us at <a href="mailto:OCA-LegalSupport@txcourts.gov">OCA-LegalSupport@txcourts.gov</a>.</p>