

# Texas Online Public Information – Courts (TOPICs)

## Online Citation by Publication

### Frequently Asked Questions and Answers

<b>About Senate Bill 891 and Online Citation by Publication</b>	
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 SB 891 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?	The effective date of SB 891, Article 10 was originally June 1 (unless the article specified otherwise), but the Supreme Court subsequently extended the date to July 1, 2020.  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 online publication requirement to apply.
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## **Accessing the Online Citation by Publication Website**

4. How do I log in to OCA's citation by publication website?	<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>NOTE: <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>
5. I entered my email address but did not receive an email that allows me to log in.	<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 email address have</p>

	been added to the system to grant you authorized user status.
6. Can justice courts use the website?	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.
7. Can municipal courts use the website?	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.
8. I am <u>clerk</u> staff and I need authorized user status.	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.
9. I am <u>court</u> staff and I need authorized user status.	Please contact and coordinate with your respective district or county clerk's office or contact OCA for authorized user access.
10. <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.	<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.
11. I'm an authorized user, but I can't log in to the website.	<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 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>

## **Common Operational Issues**

12. After I save a citation, when will it actually post to the website?	<p>A saved citation will post immediately. If it does not, first make sure that you correctly entered and saved the citation.</p> <p>For additional help, contact us at <a href="mailto:OCA-LegalSupport@txcourts.gov">OCA-LegalSupport@txcourts.gov</a>.</p>
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13. Can I edit a published citation or notice?	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.
14. How do I delete a published citation or notice?	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.
15. Does the website calculate the publication period? ( <i>Updated 03/01/2022</i> )	No. Users must manually enter the number of days a citation is set to be published. The website will display the publication start and end dates based on the number of days selected for publication.
16. Can I backdate a citation?	No. The system does not permit backdating.
17. If you are serving an Unknown Heir, Unknown Mother or Father, etc., what should you use in the name field?	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

	<p>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>
18. What should an authorized user do with the return when it is received?	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.
<b>Online Citation by Publication Generally</b>	
19. Who receives the return? <i>(Updated 03/01/2022)</i>	<p>The return is 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. <u>OCA DOES NOT have access to returns.</u></p> <p>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>
20. I am looking for the proof of service required by Estates Code	Proof of service, if service is made by publication, consists of a statement made by OCA that contains certain

<p>§51.103(b)(4) or §1051.153(b)(4).  <i>(Updated 03/01/2022)</i></p>	<p>information as required by these statutes. This statement is found in the return of service.</p>
<p>21. <u>I am an attorney, or I am a member of the general public</u>, and I am looking for the return.</p>	<p><u>OCA DOES NOT have access to returns.</u>  Please contact the office that submitted the posting.</p>
<p>22. <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.</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>23. <u>I am an attorney, or I am 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?</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>24. A federal court has required me to publish citation to the website. What do I do?</p>	<p>Please contact us at <a href="mailto:OCA-LegalSupport@txcourts.gov">OCA-LegalSupport@txcourts.gov</a>.</p>
<p>25. What fees are assessed on a request for Citation by Publication on OCA's website? <i>(Updated 03/01/2022)</i></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</p>

	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. Please check your local fees for the exact amount set for the posting fee.
26. When is a clerk <u>required</u> to post a citation to the website?	<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>

27. Is every citation by publication required to be published in the newspaper <u>and</u> on the website?	<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> <li>• No newspaper publication exists in the county.</li> </ul>
28. Is it the clerk's responsibility to know when a citation has to be posted <u>only</u> to the website or how long a citation should be published on the website? ( <i>Updated 03/01/2022</i> )	<p><u>No.</u> The clerk is not responsible for determining when to publish only to the website or for how long a citation should be published. This is a legal determination, and the clerk is not required to make, <u>and should not make</u>, the decision for the filer.</p>
29. Can a clerk wait to publish citation to the website so that the publication dates align with the newspaper publication?	<p>The statutes and rules are silent as to whether the website and newspaper publications must occur simultaneously.</p> <p>The clerk should consult with the party requesting the posting as to the timing of the publications.</p>

30. 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.
31. 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?	Any statute requiring a set time for publishing or posting controls over the Rules. See TRCP Rule 110 (Effect of Rules on Other Statutes).
32. 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.	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.