Definitions of an Inactive Case

For purposes of reporting caseload activity to the Texas Judicial Council/Office of Court Administration, a case should be counted as **Inactive** when further court proceedings and activities **cannot** resume due to events **beyond the court's control**. The court cannot take further action until an event restores the case to the court's active control.

Criminal

This category includes:

1. Cases in which a directive to apprehend or warrant of arrest has been issued;
2. Cases in which a defendant is being held elsewhere on federal charges;
3. Cases stayed due to a question of mental illness or intellectual disability;
4. Cases stayed while a defendant undergoes temporary or extended inpatient mental health treatment;
5. Cases in which the defendant is otherwise unavailable for adjudication:
    a. A stay pending the outcome of charges in another court.
    b. A stay due to defendant's serious illness or hospitalization.

Civil

This category includes, but is not limited to:

1. Cases ordered to arbitration that are not under the court's control.

    Arbitration is defined as a neutral third party (arbitrator) that hears evidence and makes a binding decision on the dispute. There are no further proceedings in the court until the case is returned from arbitration.

    *Rule 11 Agreements and mediation do **not** apply.*

2. Cases in which a stay is issued due to filing of a bankruptcy proceeding.
3. Cases stayed due to the Soldiers' & Sailors' Civil Relief Act;
4. Cases in which a suggestion of death is filed;
5. Cases in which an MDL Order Granting Motion to Transfer/Designation of Pretrial Court is filed;
6. Cases placed in "hold for judgment/settlement" status—cases in which the parties/attorneys have informed the court that the issues have been resolved but the proceedings are "on hold" pending settlement to be completed or final judgment to be signed; and
    a. All other cases abated by a judge by written order from the court. Common grounds for a plea in abatement include improper service of process or a prior pending action between the same parties.

Cases filed with no service of citation do not qualify as a reason to inactivate a case, as there are other remedies the parties can use to proceed to disposition including, but not limited to, citation by posting/publication, Rule 106, etc.

*Tax cases in which a respondent is paying back taxes before the case is dismissed should be **reported as disposed** when the payment agreement is made. It is recommended that the court sign an agreement to dispose of the case. However, absent a written agreement/disposition, the case may be set "Inactive" if there is no further involvement by the court.*

Family

This category includes:

1. Cases ordered to arbitration that are not under the court's control.

   Arbitration is defined as a neutral third party (arbitrator) that hears evidence and makes a binding decision on the dispute. There are no further proceedings in the court until the case is returned from arbitration.

   *Rule 11 Agreements and mediation do **not** apply.*

2. Cases in which a stay is issued due to filing of a bankruptcy proceeding.
3. Cases stayed due to the Soldiers' & Sailors' Civil Relief Act;
4. Cases in which an abatement order has been entered while the case continues being conducted under collaborative law procedures (Chapter 15, Family Code); and
5. Cases in which a capias has been issued for failure to appear (Ch. 157, Family Code).

Cases filed with no service of citation do not qualify as a reason to inactivate a case, as there are other remedies the parties can use to proceed to disposition including, but not limited to, citation by posting/publication, Rule 106, etc.

Juvenile

This category includes:

1. Cases in which a directive to apprehend or warrant of arrest has been issued;
2. Cases stayed due to a question of mental illness or intellectual disability;
3. Cases stayed while a respondent undergoes temporary or extended inpatient mental health treatment; and
4. Cases in which the respondent is otherwise unavailable for adjudication. It is recommended that a written order be entered that can be used by the clerk to inactivate the case.

Do not include orders of detention.