

District Court Civil Filing Fees
Prepared by the Office of Court Administration (OCA)
Effective January 1, 2024

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I. Statewide Required Filing Fees (Set Amounts)

(1) LOCAL CONSOLIDATED CIVIL FEE

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 24 of District 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 (***NEW***) ***motions to reinstate***, 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 34 of District Court Civil Cases and Actions), contempt actions in SAPCR cases (*see* page 35 of District Court Civil Cases and Actions), motions for enforcement in SAPCR cases (*see* page 40 of District Court Civil Cases and Actions); motions for modifications in SAPCR cases (*see* page 41 of District Court Civil Cases and Actions), motions to revoke a stay of license suspension in SAPCR cases (*see* page 43 of District Court Civil Cases and Actions), notices of application for judicial writ of withholding in SAPCR cases (*see* page 44 of District Court Civil Cases and Actions), petitions for license suspension in SAPCR cases (*see* page 45 of District Court Civil Cases and Actions), and requests to modify or terminate writs of withholding (*see* page 46 of District 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:
(a) Appellate Judicial System Fund
(b) Court Facility Fee Fund
(c) Clerk of the Court Account

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

- (d) ~~County~~ **Clerks** 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) 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 SAPCR transferred from another county (*see* page 24 of District 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 ***(NEW) motions to reinstate***, counterclaims, cross-actions, interventions, contempt actions, adverse probate actions, interpleaders, motions for new trial, and third-party actions. ***This fee does not apply to certain subsequent family-law filings and actions***, including administrative writs of income withholding (*see* page 34 of District Court Civil Cases and Actions), contempt actions in SAPCR cases (*see* page 35 of District Court Civil Cases and Actions), motions for enforcement in SAPCR cases (*see* page 40 of District Court Civil Cases and Actions); motions for modifications in SAPCR cases (*see* page 41 of District Court Civil Cases and Actions), motions to revoke a stay of license suspension in SAPCR cases (*see* page 43 of District Court Civil Cases and Actions), notices of application for judicial writ of withholding in SAPCR cases (*see* page 44 of District Court Civil Cases and Actions), petitions for license suspension in SAPCR cases (*see* page 45 of District Court Civil Cases and Actions), and requests to modify or terminate writs of withholding (*see* page 46 of District Court Civil Cases and Actions). ***This fee no longer applies to an appeal, if any, from a lower court.***

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 (87R) 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.

(3) SAPCR TRANSFER FEE

Source: Family Code §110.005

Amount: **\$80.00 (NEW)** – SB 1612 (88R) increases this fee from \$45 to \$80 (\$35 local + \$45 state)

Statewide: Yes

Applicability: Any SAPCR case transferred from another county.

Local Option: No – Fee is mandatory.

Destination: **Fees collected are remitted and allocated as provided by Sections 133.151(a)(2), (d) and 135.101(a)(2), (c), Local Government Code.**

(4) FEE FOR ORDERS OF NONDISCLOSURE FOR CERTAIN NONVIOLENT MISDEMEANORS (PURSUANT TO GOV'T CODE §411.072

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 the fee before the court issues the order.

A defendant is not required to file a petition for an order under §411.072.² 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 §411.072³ when required.

Local Option: No – Fee is mandatory

Destination: 100% of the fee is retained by the county⁴

NOTE: Although SB 41 (87R) 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.

(5) FRAUDULENT JUDGMENT LIEN/ FRUADULENT LIEN OR CLAIM FEE

Sources: Civil Practice & Remedies Code §12.005

Amount: Same as the 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 in (1) and (2) above, respectively.

NOTE: SB 41 (87R) 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 is repealed. However, a clerk may assess an \$8.00 service fee for the notice, as authorized by §51.318(b)(2), Gov’t Code.

² 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.”

³ 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*).

⁴ Senate Bill 41, 87th Legislature Session, repealed §411.077(a), Gov’t Code, which required the clerk to remit the fee to the Comptroller.

(6) JURY FEE

Sources: Texas Rules of Civil Procedure, Rule 216

Amount: \$10.00

Statewide: Yes

Applicability: Upon filing of a written jury demand

Local Option: No – Fee is mandatory

Destination: County General Fund.

NOTE: SB 41 (87R) does not repeal or prohibit the application of TRCP Rule 216, so clerks can collect a \$10.00 jury fee when a written jury demand is made, regardless of when the case was filed, as this service fee is determined by the amount in effect when the demand is made.

II. Statewide Optional Filing Fees (Set Amounts)

(7) CLERK’S BASIC FILING FEE (ACTIONS WITHIN SAPCR)

Source: Family Code §110.002

Amount: **\$80.00 (NEW)** – SB 1612 (88R) increases this fee from \$45 to \$80 (\$35 local + \$45 state)

Statewide: Yes

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

- contempt action (motion for contempt)
- motion for enforcement
- motion for modification (motion to modify)(suit for modification)
- motion to revoke a stay of license suspension
- notice of application for judicial writ of withholding
- petition for license suspension
- ~~motion to transfer~~ (SB 1612 (88R)) *repealed the fee for this motion.*

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

Destination: **Fees collected are remitted and allocated as provided by Sections 133.151(a)(2), (d) and 135.101(a)(2), (c), Local Government Code.**

III. Statewide Optional Filing Fees (Varying Amounts)

(8) 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 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 fee amount and provides for exemptions.

Destination: Either of the following two funds:

- (a) County General Fund
- (b) County Domestic Relations Office Fund

(9) 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.

(10) 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

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

(b) County Domestic Relations Office Fund

(11) MODIFICATIONS/TERMINATIONS OF WITHHOLDING REQUEST 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