

District Clerk Civil Filing Fees

Prepared by the Office of Court Administration (OCA)

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I. Statewide Required Filing Fees (Set Amounts)

(1) CLERK’S BASIC FILING FEE (NEW CIVIL SUITS)

Source: Government Code § 51.317(b)(1)

Amount: Depends on number of plaintiffs

- (a) 10 or fewer plaintiffs \$ 50.00
- (b) 11 to 25 plaintiffs \$ 75.00
- (c) 26 to 100 plaintiffs \$100.00
- (d) 101 to 500 plaintiffs \$125.00
- (e) 501 to 1,000 plaintiffs \$150.00
- (f) more than 1,000 plaintiffs \$200.00

Statewide: Yes

Applicability: All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

Local Option: No – Fee is mandatory

Destination: County General Fund

(2) CLERK’S BASIC FILING FEE (ACTIONS WITHIN EXISTING CIVIL SUITS)

Source: Government Code § 51.317(b)(2)

Amount: \$15.00

Statewide: Yes

- Applicability:
- (a) contempt actions (motions for contempt)
 - (b) counterclaims
 - (c) cross-actions (cross-claims)
 - (d) interventions
 - (e) motions for new trial
 - (f) third-party petitions (impleaders)

Local Option: No – Fee is mandatory

Destination: County General Fund

(3) STATE CONSOLIDATED FEE

Source: Local Government Code § 133.151

Amount: (a) Non-Family-Law Civil Cases . . \$ 50.00
(b) Family-Law Cases \$ 45.00

Statewide: Yes

Applicability: All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

Local Option: No – Fee is mandatory

Destination: (a) State Judicial Fund
(b) State Judicial Fund --Basic Civil Legal Services Account
(c) County may retain any interest earned on fee

(4) INDIGENT LEGAL SERVICES FEE

Source: Local Government Code § 133.152 (*see also* Op. Tex. Att’y Gen. No. GA-0491 (2006))

Amount: (a) Non-Family-Law Civil Cases \$ 10.00
(b) Family-Law Cases \$ 5.00

Statewide: Yes

Applicability: (a) All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)
(b) Any other civil action requiring a filing fee except the following actions in family-law cases (*see* Family Code § 110.002):
· 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
· motion to transfer
· notice of application for judicial writ of withholding
· petition for license suspension

Local Option: No – Fee is mandatory

Destination: (a) 95% to State Judicial Fund -- Basic Civil Legal Services Account
(b) 5% to County General Fund as a “service fee” for collecting the fee
(c) County may retain any interest earned on fee

(5) JUDICIAL SUPPORT FEE

Source: Local Government Code § 133.154

Amount: \$37.00

Statewide: Yes

Applicability: All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

Local Option: No – Fee is mandatory

Destination: (a) State Judicial Fund
(b) County may retain any interest earned on fee

(6) RECORDS MANAGEMENT FEE

Source: Government Code § 51.317(b)(4), (c)

Amount: \$10.00

Statewide: Yes

Applicability: (a) All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

(b) All civil actions other than:

(1) the following actions in family-law cases (*see* Family Code § 110.002):

- 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
- motion to transfer
- notice of application for judicial writ of withholding
- petition for license suspension

(2) administrative writ of income withholding (*see* Family Code §§ 231.202, 231.204)

Local Option: No – Fee is mandatory

Destination: (a) \$5 to County Records Management and Preservation Fund
(b) \$5 to District Clerk Records Management and Preservation Fund

(7) COURT REPORTER FEE

Source: Government Code § 51.601

Amount: \$15.00

Statewide: Yes (as long as the district court has an official court reporter)

Applicability: All new civil suits except delinquent tax suits, fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

Local Option: No – Fee is mandatory

Destination: County Court Reporter Service Fund

(8) BVS CENTRAL ADOPTION REGISTRY FEE

Source: Family Code § 108.006

Amount: \$15.00

Statewide: Yes

Applicability: All new suits requesting adoption of a child

Local Option: No – Fee is mandatory

Destination: State Bureau of Vital Statistics – special fund to operate central adoption file and central adoption registry

(9) FRAUDULENT LIEN SUIT FILING FEE

Source: Civil Practice & Remedies Code § 12.005

Amount: \$15.00

Statewide: Yes

Applicability: (a) New fraudulent lien suits
(b) This \$15 fee is the *only* fee that may be charged in these suits

Local Option: No – Fee is mandatory

Destination: County General Fund

(10) EXPUNGEMENT SUIT FEE (CERTAIN OFFENSES BY MINORS)

Source: Alcoholic Beverage Code § 106.12
Health & Safety Code § 161.255(b)

Amount: \$30.00

Statewide: Yes

Applicability: New expungement suits where offense sought to be expunged is:
(a) violation of Alcoholic Beverage Code by a minor
(b) violation of law prohibiting tobacco possession, etc., by minors

Local Option: No – Fee is mandatory

Destination: County (to defray cost of notifying state agencies of expungement orders)

(11) PETITION FOR NON-DISCLOSURE FEE

Source: Government Code § 411.081(d)-(h)

Amount: \$28.00

Statewide: Yes

Applicability: New petitions for non-disclosure

Local Option: No – Fee is mandatory

Destination: State Comptroller – State General Revenue Fund

(12) TRANSFER FEE

Source: Family Code § 110.005

Amount: \$45.00

Statewide: Yes

Applicability: All SAPCR's transferred from other counties

Local Option: No – Fee is mandatory

Destination: County General Fund

II. Statewide Required Filing Fees (Varying Amounts)

(13) FAMILY PROTECTION FEE

Source: Government Code § 51.961*

Amount: \$0.01 to \$15.00

Statewide: Yes

Applicability: (a) All new suits for dissolution of marriage (*i.e.*, divorce suits, annulment suits, suits to declare a marriage void)
(b) All plaintiffs except those persons protected by an order issued under:
(1) Subtitle B, Title 4, Family Code (protective order)
(2) Article 17.292, Code of Criminal Procedure (magistrate's order for emergency protection)

Local Option: No – Fee is mandatory but Commissioners Court sets fee amount

Destination: County Family Protection Account

*The 79th Legislature amended Section 51.961 to call for a fee of no more than \$30.00 with 50 percent of the fee directed to the County Family Protection Account and 50 percent directed to the State's Child Abuse and Neglect Prevention Trust Fund Account. However, Attorney General Opinion No. GA-0387 (December 28, 2005) concluded that "the provisions of . . . Section 51.961 requiring filing fees to be collected and allocated to a state agency's programs [the State Child Abuse and Neglect Prevention Trust Fund Account] violates the open courts provision of the Texas Constitution." Accordingly, the Office of Court Administration (OCA) recommends that commissioners courts set a fee of no more than \$15 and that the entire fee be directed to the County Family Protection Account. (This recommendation results in the same fee amount and destination as was in place prior to the amendment of Section 51.961.)

(14) LAW LIBRARY FEE

Source: Local Government Code § 323.023

Amount: \$0.01 to \$35.00

Statewide: Yes

Applicability: (a) All new civil suits except delinquent tax suits, fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

(b) All plaintiffs except clerk's county

Local Option: Fee is mandatory but Commissioners Court sets fee amount

Destination: County Law Library Fund

III. Statewide Optional Filing Fees (Set Amounts)

(15) CLERK'S BASIC FILING FEE (ACTIONS WITHIN SAPCR'S)

Source: Family Code § 110.002

Amount: \$15.00

Statewide: Yes

Applicability: (a) The following actions in SAPCR's:

- 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
- motion to transfer
- notice of application for judicial writ of withholding
- petition for license suspension

(b) This \$15 fee is the *only* filing fee that may be charged in these actions.

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

Destination: County General Fund

IV. Statewide Optional Filing Fees (Varying Amounts)

(16) COURTHOUSE SECURITY FEE

Source: Local Government Code § 291.008

Amount: \$0.01 to \$5.00

Statewide: Yes

Applicability: (a) All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)
(b) All plaintiffs except clerk's county

Local Option: (a) Yes – Commissioners Court “may” set fee
(b) Commissioners Court sets fee amount

Destination: County Courthouse Security Fund

(17) ALTERNATIVE DISPUTE RESOLUTION (ADR) FEE

Source: Civil Practice & Remedies Code § 152.004

Amount: \$0.01 to \$15.00

Statewide: Yes

Applicability: New civil suits except:
(a) delinquent tax suits
(b) condemnation proceedings
(c) fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005)
(d) suits with no filing fees (*see* III)

Local Option: Yes – (a) Fee can be collected only if Commissioners Court establishes a County Alternative Dispute Resolution System.
(b) Commissioners Court “may” set fee.
(c) Commissioners Court sets fee amount

Destination: County Alternative Dispute Resolution System Fund

18) DRO INITIAL OPERATIONS FEE

Source: Family Code § 203.005

Amount: \$0.01 to \$15.00

Statewide: No -- Only in counties that have established a Domestic Relations Office

Applicability: All new SAPCR's

Local Option: Yes – (a) Fee can be collected only if Commissioners Court establishes a County Domestic Relations Office.

(b) “Administering Entity” (either Commissioners Court or Juvenile Board) “may” authorize collection of fee.

(c) Administering entity sets fee amount.

(d) Administering entity may provide for certain fee exemptions.

Destination: Either of the following two funds:

(a) County General Fund

(b) County Domestic Relations Office Fund

(19) DRO INITIAL CHILD SUPPORT SERVICE FEE

Source: Family Code § 203.005

Amount: \$0.01 to \$36.00

Statewide: Yes

Applicability: All new SAPCR's

Local Option: Yes – (a) Fee can be collected only if Commissioners Court establishes a County 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 fee.

(c) Administering Entity sets fee amount.

(d) Administering Entity may provide for certain fee exemptions

Destination: Either of the following two funds:

(a) County General Fund

(b) County Domestic Relations Office Fund

(20) 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's

Local Option: Yes – (a) Clerk “may” charge the fee
(b) Clerk sets fee amount

Destination: County General Fund

(21) DISTRICT CLERK INSURANCE CONTINGENCY FUND FEE

Source: Government Code § 51.302(e)

Amount: \$0.01 to \$5.00

Statewide: Yes

Applicability: All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

Local Option: Yes – (a) Fee can be collected only if Commissioners Court establishes a contingency fund to provide insurance for District Clerk
(b) Commissioners Court “may” set this fee
(c) Commissioners Court sets fee amount
(d) Fee may only be collected until total amount of collected fees equals amount required to be in District Clerk Contingency Fund

Destination: District Clerk Insurance Contingency Fund

V. Required Filing Fees in Certain Counties (Set Amounts)

(22) APPELLATE JUDICIAL SYSTEM FEE

Source: Government Code § 22.2041

Amount: \$5.00

Statewide: No – Only in counties in Court of Appeals District 3 (Austin)

Applicability: (a) All new civil suits except delinquent tax suits, fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)
(b) All plaintiff's except clerk's county

Local Option: No – Fee is mandatory

Destination: Appellate Judicial System Fund (for use by the Austin Court of Appeals)

(23) COMAL COUNTY JUVENILE PLACEMENT FEE

Source: Human Resources Code § 152.0522

Amount: \$4.00

Statewide: No – Only in Comal County

Applicability: All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

Local Option: No – Fee is mandatory

Destination: County Juvenile Special Placement Fund

(24) MONTAGUE COUNTY ADOPTION SUIT FEE

Source: Human Resources Code § 152.1752

Amount: \$25.00

Statewide: No – Only in Montague County

Applicability: All new adoption suits

Local Option: No – Fee is mandatory

Destination: County Probation Fund (to be used for adoption investigation service)

(25) WICHITA COUNTY ADOPTION SUIT FEE

Source: Human Resources Code § 152.2496

Amount: \$100.00

Statewide: No – Only in Wichita County

Applicability: All new adoption suits

Local Option: No – Fee is mandatory

Destination: County Family Court Services Department (for placement in Adoption Investigation Fund)

VI. Required Filing Fees in Certain Counties (Varying Amounts)

(26) APPELLATE JUDICIAL SYSTEM FEE

Source: Government Code §§ 22.2021, 22.2051, 22.2061, 22.2141

Amount: \$0.01 to \$5.00

Statewide: No – Only in counties in Court of Appeals Districts 1 (Houston), 4 (San Antonio), 5 (Dallas), 13 (Corpus Christi), and 14 (Houston)

Applicability: (a) All new civil suits except delinquent tax suits, fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)
(b) All plaintiffs except clerk's county

Local Option: Fee is mandatory but Commissioners Court sets fee amount

Destination: Appellate Judicial System Fund (for use by the relevant Court of Appeals)

(27) ORANGE COUNTY ADOPTION SUIT FEE

Source: Human Resources Code § 152.1874

Amount: Not less than \$25.00

Statewide: No – Only in Orange County

Applicability: All new adoption suits

Local Option: Fee is mandatory but Juvenile Board (apparently) sets fee amount

Destination: County Adoption Investigation Fund

(28) ORANGE COUNTY DIVORCE SUIT FEE

Source: Human Resources Code § 152.1873

Amount: Not less than \$5.00

Statewide: No – Only in Orange County

Applicability: All new divorce suits

Local Option: Fee is mandatory but Juvenile Board (apparently) sets fee amount

Destination: County Child Support Fund

VII. Optional Filing Fees in Certain Counties (Set Amounts)

(29) APPELLATE JUDICIAL SYSTEM FEE

Source: Government Code § 22.2121

Amount: \$5.00

Statewide: No – Only in counties in Court of Appeals District 11 (Eastland)

Applicability: (a) All new civil suits except delinquent tax suits, fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fee (*see* III)
(b) All plaintiffs except governmental entities

Local Option: Yes – Fee to be established upon request of the chief justice of the 11th Court of Appeals

Destination: Appellate Judicial System Fund (for use by the Eastland Court of Appeals)

VIII. Optional Filing Fees in Certain Counties (Varying Amounts)

(30) APPELLATE JUDICIAL SYSTEM FEE

Source: Government Code § 22.2031

Amount: \$0.01 to \$5.00

Statewide: No – Only in counties in Court of Appeals District 2 (Fort Worth)

Applicability: (a) All new civil suits except delinquent tax suits, fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)
(b) All plaintiffs except clerk’s county

Local Option: Yes – Commissioners Court “may” set fee
Commissioners Court sets fee amount

Destination: Appellate Judicial System Fund (for use by the Fort Worth Court of Appeals)

(31) DALLAS COUNTY CIVIL COURT FACILITY FEE

Source: Government Code § 51.705

Amount: \$0.01 to \$15.00

Statewide: No – Only in Dallas County

Applicability: All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)

Local Option: (a) Yes – Commissioners Court must adopt resolution authorizing this fee
(b) Fee is abolished if Commissioners Court rescinds resolution
(c) Fee is automatically abolished as of July 1, 2016

Destination: Special County fund dedicated to construction, renovation and improvement of Dallas County civil court facilities

(32) WEBB COUNTY SECURITY FEE

Source: Local Government Code § 291.009

Amount: \$0.01 to \$20.00

Statewide: No – Only in Webb County

Applicability: (a) All new civil suits except fraudulent lien suits (*see* Civil Practice & Remedies Code § 12.005) and suits with no filing fees (*see* III)
(b) All plaintiffs except clerk’s county

Local Option: (a) Yes – Commissioners Court “may” set fee
(b) Commissioners Court sets fee amount

Destination: Special County Fund to be used for courthouse security

(33) HARRIS COUNTY CHILD SUPPORT DEPARTMENT FEE

Source: Human Resources Code § 152.1074

Amount: \$0.01 to \$12.00

Statewide: No – Only in Harris County

Applicability: All new suits for dissolution of marriage (*i.e.*, divorce suits, annulment suits, suits to declare a marriage void) in which the parties are parents of a “child” as defined by Family Code § 101.003.

Local Option: Yes – (a) Commissioners Court “may” create a child support department
(b) If child support department is created then Commissioners Court “may” provide for collection of fee
(c) Commissioners Court sets fee amount

Destination: Special County Fund (to be used for the best interests of the parties in the case as determined by the district court)