

# Office of Court Administration Texas Judicial Council



## APPOINTMENTS AND FEES REPORT INSTRUCTIONS FOR DISTRICT AND COUNTY COURTS

### *Chapter 36, Texas Government Code*

Requires the **clerk of each court in the state** to prepare a report every month on court appointments made and any fees paid for an

- attorney ad litem
- guardian ad litem
- guardian
- mediator or
- competency evaluator <sup>1</sup>

**in any case** with the following exceptions:

- a mediation conducted by an **alternative dispute resolution** system established under Ch. 152, Civil Practice and Remedies Code
- information made confidential under **state or federal law**, including applicable rules (e.g., judicial bypass cases)
- a guardian ad litem or other person appointed under a program authorized by Sec. 107.031, Family Code (**volunteer advocates in child protection cases**)
- an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a **domestic relations office** established under Ch. 203, Family Code
- an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services **without expectation or receipt of compensation or**
- an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services as a **volunteer of a nonprofit organization** that provides pro bono legal services to the indigent.

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*Please see the **Frequently Asked Questions** document posted on the website for additional guidelines about what to report in various scenarios*

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<sup>1</sup> A physician or psychologist who performs examinations to determine whether an individual is incapacitated or has an intellectual disability for **purposes of appointing a guardian** for the individual.

Monthly reports must be submitted for each court **whether or not there was activity** to report for the month.

Other requirements:

- The report is due to the Office of Court Administration (OCA) **no later than 15 days** following the end of the month reported.
- A copy of the report must be posted at the courthouse and on the court's website.

If a court fails to provide the information necessary for the clerk to submit the required report, the court is ineligible for any grant money awarded by the state or a state agency for the next state fiscal biennium.

In order to get the clerks the information they need to prepare the report, it is recommended that:

- Each appointment be made by written order or some other process to document the appointment.
- Each approval of the payment be accomplished by a separate written order or similar process.

Note: Counties **that wish to continue reporting the information previously required under the Supreme Court order are welcome to do so.**

## ***What to Submit to OCA***

**For each court**

1. All appointments made during the month **OR** report of no appointments made during the month  
**AND**
2. All payments approved during the month **OR** report of no payments made during the month

### **WHEN TO REPORT THE FEE**

- If the amount of the fee is specified in the order, report the fee for the **month in which the approval order was signed** (for example, a fee for a specific amount that is approved in September, but not actually paid until October would be included in the report for September).
- If the amount of the fee is not specified in the order, report the fee for the **month it is paid** (when the amount of the fee becomes known to the clerk).

## 1. Appointments

### ➤ **NO APPOINTMENTS MADE DURING MONTH**

Submit No Activity report indicating that there was no activity for the month for the court.

### ➤ **REPORTABLE ACTIVITY FOR THE MONTH**

For each appointment, report:

#### 1. **NAME/NUMBER OF COURT**

Name of the court in which the person signing the order was sitting when the order was signed.

#### 2. **NAME OF JUDGE/MASTER/REFEREE ORDERING APPOINTMENT**

#### 3. **CASE NUMBER AND STYLE OF CASE**

The style may be abbreviated to include, for example, just the last names of the parties. *In matters where confidentiality of the parties is required, judges and clerks should use their discretion regarding the style of the case.*

#### 4. **STATE BAR CARD NUMBER OF APPOINTEE IF AN ATTORNEY**

#### 5. **NAME OF PERSON APPOINTED**

#### 6. **POSITION TO WHICH APPOINTED**

A sample list of positions is included at the end of this document for reference.

#### 7. **RELATIONSHIP TO WARD OR DECEASED, IF RELEVANT**

The relationship of the appointee to the ward or deceased:

- Attorney
- Private professional guardian
- Associated with a public guardianship program
- Friend or family member

If not relevant to the case, select "Not Applicable."

#### 8. **DATE OF APPOINTMENT**

## 2. Payments

### ➤ **NO FEES APPROVED DURING MONTH**

Submit a No Activity report indicating that there was no activity for the month for the court.

### ➤ **REPORTABLE ACTIVITY FOR THE MONTH**

For each fee approved, report:

1. **NAME/NUMBER OF COURT**

Name of the court in which the person signing the order was sitting when the order was signed.

2. **NAME OF JUDGE/MASTER/REFEREE APPROVING PAYMENT**

3. **CASE NUMBER AND STYLE OF CASE**

The style may be abbreviated to include, for example, just the last names of the parties. *In matters where confidentiality of the parties is required, judges and clerks should use their discretion regarding the style of the case.*

4. **STATE BAR CARD NUMBER OF APPOINTEE IF AN ATTORNEY**

5. **NAME OF PERSON APPOINTED**

6. **POSITION TO WHICH APPOINTED**

A sample list of positions is included at the end of this document for reference.

7. **RELATIONSHIP TO WARD OR DECEASED, IF RELEVANT**

The relationship of the appointee to the ward or deceased:

- Attorney
- Private professional guardian
- Associated with a public guardianship program
- Friend or family member

If not relevant to the case, select "Not Applicable."

8. **DATE OF APPROVAL OF FEE**

Date the approval order was signed (or the date the payment was made if the amount of compensation was not specified when the approval order was signed).

9. **SOURCE OF FEE**

A sample list of sources is included at the end of this document for reference.

10. **AMOUNT APPROVED**

Dollar amount approved for payment. The **entire amount** should be reported, not the rate approved (i.e., not \$15 per hour).

Each payment reported must include all fees occurring as a result of the appointment. It shall include attorneys' fees and related expenses resulting from the appointment and any compensation and/or fees for serving as fiduciary.

**CASES IN WHICH TOTAL COMPENSATION EXCEEDS \$1,000**

If the total amount of compensation paid to an appointee for 1 case exceeds \$1,000 for the month, report:

11. **NUMBER OF HOURS BILLED**

The number of hours billed to the court for the work performed by the appointee or the appointee's employees, including paralegals.

12. **TOTAL BILLED EXPENSES**

The total dollar amount of expenses billed to the court for the work performed by the appointee or the appointee's employees, including paralegals.

***How to Submit Reports***

All reports must be entered into the reporting database at <http://card.txcourts.gov/>. Please refer to **Instructions for Reporting Database** posted at <http://www.txcourts.gov/reporting-to-oca/appointments-and-fees/district-county/> for more information.

Sample lists of position titles and sources of fees are included below to aid you in preparing your monthly report. These are partial lists only—there may be additional positions to which a person may be appointed or sources of fees.

**POSITION TO WHICH APPOINTED**

**SOURCE OF FEES**

**Positions applicable to Chapter 36 – Reporting is required.**

Ad Litem  
 Attorney (if serving as Ad Litem)  
 Attorney Ad Litem  
 Competency Evaluator (guardianship)  
 Doctor  
 Guardian  
 Guardian Ad Litem  
 Mediator  
 Permanent Guardian  
 Physician <sup>b</sup>  
 Psychologist  
 Temporary Guardian

Applicant  
 County  
 Defendant  
 Estate  
 General Fund  
 Insurance  
 Managing Conservator  
 Named Person (*i.e., individual identified by name*)  
 The Parties  
 Plaintiff  
 Possessory Conservator  
 Pro Bono  
 Registry of the Court  
 State  
 Trust  
 Trustee  
 Unknown

**Examples of other Appointed Positions – Reporting is optional.**

Administrator  
 Amicus attorney  
 Appraiser  
 Arbitrator  
 Certified Public Accountant  
 Commissioner  
 Court Visitor  
 Executor  
 Friend of the Court  
 Hearing Officer  
 Interpreter  
 Investigator  
 Master  
 Master in Chancery  
 Personal Representative  
 Receiver  
 Referee  
 Social Worker  
 Trustee  
 Umpire

If additional selections need to be added to the database for the **Position to Which Appointed** or **Fee Source** fields, contact the Judicial Information Section.

[JudInfo@txcourts.gov](mailto:JudInfo@txcourts.gov)

<sup>b</sup> If serving as **competency evaluator** in **guardianship** case.