

# Frequently Asked Questions

Justice Court Reports Effective September 1, 2013

## Pending Cases, Active and Inactive Pending Cases

### 1. Do I need to go back and reclassify all of my old pending caseload into the new case categories?

No. If your court is unable to reclassify cases pending on or before August 31, 2013 into the new categories, the pending cases should be reported as pending or disposed on or after September 1, 2013 as follows:

Old Category	New Category
Small Claims	Small Claims
Evictions	Landlord/Tenant
Other Civil Suits	Small Claims

### 2. What is the definition of a pending case?

A case pending on the first of the month is a case that had been filed in a previous month but in which a FINAL JUDGMENT HAD NOT YET BEEN ENTERED. Total cases pending on the first of the month is a sum of active and inactive cases that were pending as of the first of the month.

A case pending at the end of the month is a case in which a FINAL JUDGMENT HAD NOT YET BEEN ENTERED by the end of the month. Total cases pending at the end of the month is a sum of active and inactive cases that were pending as of the end of the month.

### 3. What is the definition of an active case?

For the purposes of this report, an active case is a case in which NO JUDGMENT HAS YET BEEN ENTERED and that THE COURT CAN MOVE TO ADJUDICATION (entry of a final judgment).

### 4. What is the definition of an inactive case?

For the purposes of this report, an inactive case is a case in which NO JUDGMENT HAS YET BEEN ENTERED BUT THE DEFENDANT IS NOT AVAILABLE FOR ADJUDICATION AND THE COURT CANNOT TAKE FURTHER ACTION.

### 5. When a defendant does not appear, we usually file a failure to appear charge then report the defendant's cases to the Omnibase, Scofflaw or Nonresident Violator Compact program. We do not issue warrants in these cases. Does reporting cases to one of these programs make the cases inactive?

Yes, these are instances in which you would count a case as inactive.

### 6. When a defendant does not appear we send the case to collections and never see it again. Does sending these cases to collections make the case inactive?

If no judgment was entered in the case, yes, you would count the case as inactive.

If a judgment **is** entered in the case, it should be reported in the appropriate disposition category. For purposes of the report a case is counted as disposed when a final judgment is entered.

**7. When a person is placed on a driver's safety, deferred adjudication or other program, does that make the case inactive?**

No. The case should remain active. The case is reported disposed of when the case is either dismissed for compliance or a conviction is entered for non-compliance.

**8. Does a cash bond make a case inactive?**

No since the case is set/can be set for court.

**9. If a defendant is fined and receives an extension to pay, does this make a case inactive?**

No. The case is reported as disposed when the judgment is signed (the conviction is entered, and the defendant is fined). This case has been adjudicated and convicted; this will not change whether the person pays in full or is on a payment plan.

**10. Are capiases pro fine reported as inactive cases?**

No. A *capias pro fine* is issued after a judgment (a conviction) has been entered because a person has not satisfied the fine or other obligations. Thus, the *capias pro fine* will never affect whether a case is counted as pending, whether active or inactive. *Capiases pro fine* are reported only in the Additional Court Activity Section on Line 3.

**11. Does an abstract make a civil case inactive?**

No, a case with an abstract is not considered a pending/open case for purposes of this report since a judgment has been entered in the case. The definition of a pending case is a case in which a judgment has not been entered.

A case with an abstract should have been reported as disposed on the date the judgment was entered. An abstract does not affect any further reporting on the monthly activity report.

**12. Does a writ make a civil case inactive?**

***Writs of Possession and Writs of Execution***

No, writs of possession and writs of execution are not considered a pending/open case for purposes of this report since a judgment has been entered in the case. The definition of a pending case is a case in which a judgment has not been entered.

Writs of possession and writs of execution are post-judgment processes handled by the clerk. The report is intended to capture the activity of the judge. The case is reported as disposed the date the judgment was entered, and any writs of this type in the case will not affect any further reporting on the OCA report.

***Writs of Garnishment, Writs of Sequestration, and Motions for Turnover Orders***

Writs of garnishment, writs of sequestration and motions for turnover orders are counted on the report but do not affect reporting of the underlying case (do not make the underlying case inactive or active).

These writs are post-judgment remedies that are docketed before the judge, and the judge makes a ruling. In situations such as these, the request or application for a writ or filing of a motion gets counted on the All Other Cases Added line, and is counted as disposed when the writ or order is issued or denied.

### **13. What is the definition of a reactivated case?**

For the purposes of this report, a case is counted as reactivated when it had previously been placed in an inactive pending status but some event occurred that allows the court to resume activity and move the case to a final judgment.

Reactivated cases are reported even if a judgment was also entered in the case during the month. In fact, INACTIVE CASES MUST BE COUNTED AS REACTIVATED BEFORE THEY CAN BE COUNTED AS DISPOSED OF. If you do not do this, the result could possibly leave you with negative cases pending at the end of the month which will cause the report to be "out of balance".

### **14. What date/event should be used to determine when a criminal or juvenile case becomes reactivated—the date of arrest or the date of the defendant's first hearing?**

The date of the defendant's first hearing is our preference. If you do not have access to accurate information about the date of the first hearing, use the date of arrest (date the warrant was executed).

### **15. If a case is inactivated and reactivated multiple times during the same month, should each instance be counted on the report for that month?**

Yes.

## **Dispositions**

### **1. When do I report a case on one of the disposition lines?**

For purposes of this report, a disposition is reported when the case is adjudicated (the judge signs the final judgment or a sentence is otherwise imposed). The date of disposition is the date the final judgment was signed.

### **2. The report requires me to report a case as disposed when a judgment is entered, but the case may still be open for the court's purposes. Even though a conviction may be entered, we still have to collect outstanding fines, court costs, fees, or the defendant has other obligations to fulfill (e.g., community service in satisfaction of fines).**

The Judicial Council reports, as well as all other standard court statistical reports, are judge-focused and mostly capture the activity of the judge. For purposes of this report, a disposition is reported when the case is adjudicated (the judge signs the final judgment or a sentence is otherwise imposed). The date of disposition is the date the judgment was signed.

Once a conviction is entered, the conviction does not change. It is then up to the clerk or other court staff to ensure that the defendant's sentence is satisfied. Most of this activity is not captured on the report.

### **3. Do I report the case as disposed when the defendant finishes paying the last installment on his/her payment plan?**

No. A person who is placed on a payment plan to discharge their fines, fees and courts costs has been found guilty. The case is reported in the dispositions section when the adjudication of guilt was made (the final judgment was entered), not when the person finally satisfies all the fines, fees and court costs.

## Criminal Section

### 1. Are juvenile cases included in the criminal section of the report?

All Class C juvenile/minor cases (filings and dispositions) are included in the Criminal section of the report. The filings of juvenile/minor cases are also included in the Juvenile/Minor section of the report.

### 2. Do I report a case in which the defendant appeared before a judge and pleaded guilty or no contest under Convictions—By the Court?

No, the case should be reported under Convictions—Guilty Plea or Nolo Contendere.

Convictions—By the Court only refers to cases in which the defendant pleaded not guilty, the judge conducted a bench trial, and the defendant was found guilty.

### 3. What do I report for Show Cause Hearings Held?

Report the number of show cause or contempt hearings held pursuant to Art. 45.050 (*juveniles*), 45.051(c-1) (*deferred disposition*), or 45.0511(i) (*driver's safety*), Code of Criminal Procedure, for failure to comply with the requirements for deferred disposition or driver's safety dismissal.

Include cases in which the defendant failed to appear and the judge imposed the fine. Under this situation, the case is also to be reported as disposed in Line 7.A.1—Convictions—Guilty Plea or Nolo Contendere.

If the case was set for a show cause hearing, but the case was disposed of before the show cause hearing (i.e., the defendant appeared at the clerk window with or mailed in the compliance documentation, paid the case in full, or set up a payment plan), the case is not to be reported in the Show Cause Hearings Held line (Line 13—Show Cause Hearings Held). Report the case in the appropriate disposition category.

### 4. I don't understand how to report cases dismissed after treatment for alcohol or chemical dependency. Does this mean that all cases in which the defendant completes an alcohol or tobacco awareness course need to be reported here?

No. Completion of a tobacco awareness course is not relevant to this item; cases may only be dismissed when the defendant completes court-ordered alcohol or chemical dependency (not tobacco) treatment.

Completion of an alcohol awareness course does not necessarily mean that the case should be reported here. In order to be reported on this line, the conditions below must be met. This finding may be made in any case, including traffic and parking violations, if the conditions below are met, though most cases concern alcohol, inhalants, and drug paraphernalia.

Code of Criminal Procedure, Art. 45.053. DISMISSAL OF MISDEMEANOR CHARGE ON COMMITMENT OF CHEMICALLY DEPENDENT PERSON. (a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by a fine only, a justice or municipal court may defer further proceedings for 90 days without entering an adjudication of guilt if:

(1) the court finds that the offense resulted from or was related to the defendant's chemical dependency;

and

(2) an application for court-ordered treatment of the defendant is filed in accordance with Chapter 462, Health and Safety Code.

(b) At the end of the deferral period, the justice or municipal court shall dismiss the charge if satisfactory evidence is presented that the defendant was committed for and completed court-ordered treatment in accordance with Chapter 462, Health and Safety Code, and it shall be clearly noted in the docket that the complaint is dismissed and that there is not a final conviction.

## Civil Section

### 1. How do writs get counted?

#### *Writs of Possession and Writs of Execution*

Writs of possession and writs of execution are not counted on the report.

Writs of possession and writs of execution are post-judgment processes handled by the clerk. The report is intended to capture the activity of the judge. The underlying case is reported as disposed the date the judgment was entered, and any writs of this type in the case will not affect any further reporting on the OCA report.

#### *Writs of Garnishment, Writs of Sequestration, and Motions for Turnover Orders*

Writs of garnishment, writs of sequestration and motions for turnover orders are post-judgment remedies that WOULD be counted because the case is docketed before the judge, and the judge makes a ruling. In situations such as these, the request or application for a writ or filing of a motion gets counted on the All Other Cases Added line, and is counted as disposed when the writ or order is issued or denied.

## Additional Court Activity

### 1. As a clerk, I do not know when hearings are held. These are handled by the judge, who does not keep track of these matters. How will I be able to report the information required about hearings?

Where ever possible, data elements were tied to a document that the clerk processes. However, some items were included on the new reports because they were considered critical to accurately reflect court workload.

Thus, a number of items on the new reports require collaboration between clerks, judges, and case management vendors or information technology staff to determine the best methods to collect, compile, and report the required information. The arrangements or processes developed for obtaining the information from the courts will likely be unique in each county or city.

### 2. When do I report cases in which community service was completed or jail credit was applied to partially or fully satisfy the fines and/or court costs?

Report these cases in the month the fines and court costs have been satisfied in full. If never satisfied in full, the community service or jail credit would never be reported.

### 3. How do I report a case in which the fines and court costs were partially satisfied by community service and partially satisfied by jail credit?

When the fine and court costs have been satisfied in full and the case is closed, report the case in Line 16.A—Satisfied by Community Service—Partial Satisfaction, as well as Line 17—Satisfied by Jail Credit.

### 4. What should I report in Fines, Court Costs and Other Amounts Retained by the County? What should I report in Fines, Fees, Court Costs and Other Amounts Remitted to the State?

Please refer to the Justice Court Monthly Report Instructions (revised January 2012) posted at: <http://www.courts.state.tx.us/oca/required.asp>.

### 5. Where should I report amounts that are not retained by the county nor the State, but are sent directly to other entities such as school districts, OmniBase, etc.?

Report amounts not retained by the county but not sent to the State in the Total Amounts Collected only. Do not include these amounts in the Retained by County line, nor the Remitted to State line.

It is OK if the amounts reported as retained by the county (Line 20.A) plus the amounts reported remitted to the State (Line 20.B) do not equal the total amount reported collected (Line 20.C).

**6. We are unable to track what amounts are retained by the county versus those that are remitted to the State. What do we do?**

If you are able to reliably report any information about what is retained by the county versus what is retained by the State, report what you can. **The amount reported retained by the county added to the amount reported retained by the State does NOT need to equal the Total amount reported collected for the month.**

If you are completely unable to report what is retained by the county versus retained by the State, leave those two lines blank. Report all amounts collected in the Total line.

## Submitting the Report

### 1. How do I submit my report?

**Effective September 1, 2011, all justice courts are required to submit the report online** unless the court has requested and obtained a waiver for good cause. (See Section 171.7 of the Texas Administrative Code.) Waivers are good for one year but may be renewed.

Reports may be entered electronically by one of two methods:

- a) manually entering the reports into the Court Activity Reporting and Directory System, OR
- b) uploading an XML file into the system.

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. However, only the new form will be accepted. Reports for September 2011 and later will not be accepted on the old form.

As a reminder, the report is due by the 20<sup>th</sup> of each month to account for court activity that occurred in the preceding month. Also, a report must be submitted each month, even if there is no court activity to report.

### 2. Where do I submit my report?

Reports must be entered or uploaded into the Court Activity Reporting and Directory System at <http://card.txcourts.gov/>. A user ID and password is required.

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. However, only the new form will be accepted. Reports for September 2013 and later will not be accepted on the old form.

Mail to: Office of Court Administration  
P O Box 12066  
Austin, TX 78711-2066

Fax to: (512) 936-2423  
Email to: [ReportingSection@courts.state.tx.us](mailto:ReportingSection@courts.state.tx.us)

### 3. How do I map or code something in my computer/case management system?

You will need to contact your vendor or information technology personnel to determine how something should be mapped or coded. Each court uses a different system and processes. OCA does not create or maintain any list of codes.

Driver Improvement Codes used by the Department of Public Safety, however, are available on our website (<http://www.courts.state.tx.us/oca/required.asp#changes2011>) and have been classified according to the case categories on the monthly activity report.

**4. I know I had activity last month in certain categories, but the information is not showing up on my report. Why isn't it there?**

If you know there should be cases on the report in a particular category but nothing is showing, contact your vendor to ensure that your computer system is capturing the required information, that the information is coded correctly in the computer system, that you and your staff are using the system properly to capture the required information, and that the reports coming from your computer system are pulling the proper information. ALWAYS REVIEW YOUR REPORT EVERY MONTH. DO NOT ASSUME THAT WHAT COMES OUT OF THE COMPUTER IS CORRECT!!