



OFFICE OF COURT ADMINISTRATION

CARL REYNOLDS
Administrative Director

TO: District and County Clerks

FROM: Mary Cowherd
Deputy Director and Director of Research and Court Services

DATE: August 20, 2010

RE: Supreme Court Adopts Revisions to Rule of Civil Procedure 78a

This is to notify you that the Texas Supreme Court has adopted revisions to Rule of Civil Procedure 78a, which requires that a civil case information sheet accompany the filing of: 1) an original petition or application; and 2) a post-judgment petition for modification or motion for enforcement in a case arising under the Family Code. The revised rule will take effect **September 1, 2010**. Attached is a copy of the Supreme Court's order adopting the revisions to the rule. The order may also be found on the Office of Court Administration's (OCA) website, at: <http://www.courts.state.tx.us/oca/required.asp>.

As you will recall, the Supreme Court accepted comments regarding the new Rule of Civil Procedure 78a between May 3 and August 2, 2010. The Supreme Court received a small number of comments regarding the rule. Based on those comments, the Supreme Court made the following revisions to the rule:

- 1) As previously written, the rule provided that a civil case information sheet "must accompany the filing of an original petition." The rule has been revised to clarify that a civil case information sheet "must accompany the filing of an original petition or application";
- 2) The rule has been revised to clarify that a civil case information sheet is not required in juvenile cases or cases filed in justice court or small claims court; and
- 3) As previously written, the rule provided that a civil case information sheet "must accompany the filing of a post-judgment motion for modification or enforcement in a case arising under the Family Code." Although this type of action is commonly referred to in practice as a "post-judgment motion for modification," it is technically a "post-judgment petition for modification." The terminology has been modified accordingly.

Also, the instructions for completing the civil case information sheet have been revised to:

- 1) Reflect the change in terminology regarding a "post-judgment petition for modification" discussed above. (This revision has also been made to the instructions at the top of the civil case information sheet.);
- 2) Clarify that when a civil case information sheet is submitted electronically, the signature may be a scanned image or "/s/" and the name of the person completing it typed in the space where the signature would otherwise appear. Please see the note that has been added next to "signature" in the section entitled, "a) Contact information for person completing case information sheet," of the instructions; and
- 3) Clarify that if the name of the party to a case is confidential, the party's initials rather than the party's name should be entered. Please see the note that has been added to the section entitled, "b) Names of parties in the case," of the instructions.

Attached are the revised civil case information sheet and instructions. They are also posted on our website in both Word and PDF versions. The Word version of the civil case information sheet is an electronic form meant to be completed online and then printed – when information is typed in, the space will expand to accommodate it. The PDF version is meant to be printed and then completed manually. The civil case information sheet and instructions may be found on OCA's website at: <http://www.courts.state.tx.us/oca/required.asp>.

Please substitute and use the revised civil case information sheet and instructions for the versions that were previously provided.

We are still working on the Spanish version of the civil case information sheet and instructions. We hope to complete and send them to you within the next two to three weeks.

Lastly, we have prepared a glossary for *pro se* litigants, which will help them in completing the civil case information sheet. The glossary will be considered by the Texas Judicial Council at its meeting on August 27. If the glossary is approved by the Judicial Council, we will post it on our website and notify you of its approval and posting. If approved, the glossary will also be translated into Spanish.

I will be out of the office from August 23 through August 31, 2010. If you have any questions during that time period, please contact Angela Garcia, OCA Judicial Information Manager, at 512/936-1358 or angela.garcia@courts.state.tx.us.

attachments

cc: District Judges
Statutory County Court Judges
County Judges
Alicia Key, Deputy Attorney General for Child Support
Kathy Shafer, General Counsel, Office of the Attorney General, Child Support Division

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 10- **9133**

ORDER ADOPTING TEXAS RULE OF CIVIL PROCEDURE 78a

ORDERED that:

1. Pursuant to Section 22.004 of the Texas Government Code, the Supreme Court of Texas promulgates Rule 78a of the Texas Rules of Civil Procedure as follows.

2. By Order dated May 3, 2010, in Misc. Docket No. 10-9062, the Court promulgated Rule 78a and invited public comment. Following public comment, the Court made revisions to Rule 78a. This Order contains the final version of Rule 78a that takes effect September 1, 2010.

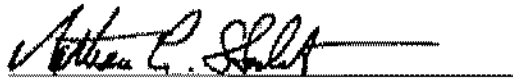
3. Also by Order dated May 3, 2010, in Misc. Docket No. 10-9062, the Court promulgated the civil case information sheet that Rule 78a requires. This Order contains the final version of the civil case information sheet that takes effect September 1, 2010.

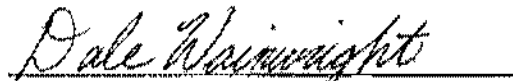
4. The Clerk is directed to:

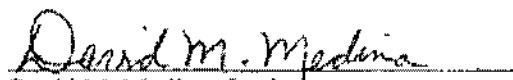
- a. file a copy of this Order with the Secretary of State;
- b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
- c. send a copy of this Order to each elected member of the Legislature; and
- d. submit a copy of the Order for publication in the *Texas Register*.

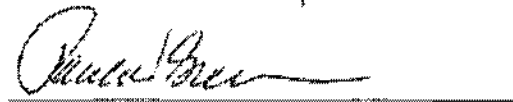
SIGNED this 16th day of August, 2010.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Dale Wainwright, Justice



David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice


Debra H. Lehmann, Justice

Rule 78a. Case Information Sheet

- (a) *Requirement.* A civil case information sheet, in the form promulgated by the Supreme Court of Texas, must accompany the filing of:
 - (1) an original petition or application; and
 - (2) a post-judgment petition for modification or motion for enforcement in a case arising under the Family Code.
- (b) *Signature.* The civil case information sheet must be signed by the attorney for the party filing the pleading or by the party.
- (c) *Enforcement.* The court and clerk must take appropriate measures to enforce this rule. But the clerk may not reject a pleading because the pleading is not accompanied by a civil case information sheet.
- (d) *Limitation on Use.* The civil case information sheet is for data collection for statistical and administrative purposes and does not affect any substantive right.
- (e) *Applicability.* The civil case information sheet is not required in cases filed in justice courts or small-claims courts, or in cases arising under Title 3 of the Family Code.

Comment: Rule 78a is added to require the submission of a civil case information sheet to collect data for statistical and administrative purposes, *see, e.g.*, TEX. GOV'T CODE § 71.035. A civil case information sheet is not a pleading. Rule 78a is placed with other rules regarding pleadings because civil case information sheets must accompany pleadings.

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co. In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:	
Name: _____	Email: _____	Plaintiff(s)/Petitioner(s): _____	<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other _____	
Address: _____	Telephone: _____	Defendant(s)/Respondent(s): _____	Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
City/State/Zip: _____	Fax: _____	State Bar No.: _____	_____	
Signature: _____		<small>(Attach additional page as necessary to list all parties)</small>		
2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil		Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product <input type="checkbox"/> Other Injury or Damage	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Null <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other			
3. Indicate procedure or remedy, if applicable (may select more than 1):				
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover		