



# BEVERLEY MCGREW WALKER

District Clerk  
Fort Bend County, Texas

## **Civil/Family E-filing Business Practice Frequently Asked Questions**

The below FAQs are based on the state's provided Electronic Filing Service Provider (EFSP). If you are filing through an EFSP other than eFile.TXCourts.gov, please visit <https://efiletexas.gov/>, for instructions/FAQs.

Our office offers E-Filing training either by phone or in person. We can train in our office or we are more than happy to train you in your office. Please contact Epi Cantu at 281-633-7675 or 281-341- 4509 to schedule a date and time.

**Please Note:** If you already have a waiver account established for Criminal, this account can also be used for Civil E-Fileings. If not, the filer must create one.

### **Do I have to e-file?**

**A:**

Yes, pursuant to the Supreme Court Order dated December 11, 2012 - directed to attorneys. Electronic filing Requirements TRCP Rule 21 (f)(1) and Exceptions TRCP Rule 21 (f)(4) are listed in the [Supreme Court Rules](#).

### **Do I have to use an Electronic Filing Service Provider (EFSP)?**

**A:**

Yes, there is a list of EFSP's that provide e-filing services as certified by the Office of Court Administration (OCA) for filers at <http://www.efiletexas.gov/>.

### **What if I am filing a case with an Affidavit of Indigency? How are the fees handled?**

**A:**

You will choose the payment selection as provided by your EFSP for exempt filing fees (ex. Waiver). If a completed Affidavit of Indigency is not included, the filing will be returned for correction.

### **How do I set up a waiver account?**

**A:**

Steps will vary based on EFSP used. Example below is based on the State's Provided EFSP <https://efile.txcourts.gov/ofswb>.

**Filer Dashboard**

My Filing Activity

- Pending
- Accepted
- Returned
- Drafts
- Served

New Filing

- Start a New Case
- Use a Template
- File into Existing Case

Need help getting started?

**Payment Accounts**

+ Add Payment Account

Payment Account Name	Payment Account Type	Active	Actions
AMEX	Credit Card	No	Actions
Waiver	Waiver	Yes	Actions

1 - 2 of 2 items

Payment Account Name: Waiver

Payment Account Type: Waiver

Undo Save Changes

### What if I am not sure if my document requires a filing fee?

**A:**

View a list of [filing fees](#) online or you may contact our office at 281-633-7630 or 281-341-4509 for assistance. Pursuant to Gov. Code Sec. 51.317, filing fees shall be collected at the time the suit or action is filed. Therefore, if a document is submitted without the proper filing fee, the document will be returned for correction.

### What if I file a document and choose an improper filing code and do not pay the proper filing fee?

**A:**

If the actual fee is less, the clerk will change to the appropriate filing code assessing the lesser, correct amount and accept the filing. If the actual fee is more, the clerk will return the document for correction and will notify the filer of the proper fees due.

**There is not a filing code which fits my document title exactly. What filing code do I choose?**

**A:**

Choose the code that is closest to our filing (ex. Motion, Petition, Request, Affidavit, Certificate, etc. or Filing as a last resort) and type the entire title of the document under both "filing description" **and** "description" area found under lead document using proper case to ensure accuracy. The clerk will modify your selection to reflect the proper entry into the case management system if necessary.

**How is a pleading handled that requires immediate attention (ex. Temporary Restraining Order or Protective Order)?**

**A:**

Pleadings submitted using Filing Descriptions "Temporary Restraining Order..." and "Application for Protective Order" will be processed as a priority. If signed, the clerk will enter the order under the appropriate filing code using the date signed by the Judge and will rescan into the case management system and may be viewed online. If any other document needs immediate attention, call our office at 281-633-7630 or 281-341-4509.

**My motion requires a hearing date and time (setting). How is that handled?**

**A:**

The Motion and Proposed Order must be e-filed as separate lead documents. The Proposed Order will be presented to the Judge for completion. You will need to [contact the court coordinator](#) to schedule the hearing. If signed, the Order will be rescanned into the case management system and may be viewed online.

**How do I submit proposed orders?**

**A:**

Use filing code "Proposed Order". The Proposed Order will be presented to the Judge for review. If signed, the clerk will enter the order under the appropriate filing code using the date signed by the Judge and will rescan into the case management system and may be viewed online. Keep in mind that if you are filing a Motion along with the Proposed Order, you will need to submit each document as a "lead document" for proper filing (ex: Motion is a lead document, Proposed Order is a lead document).

**Do I need to e-file my cover letter separately?**

**A:**

Yes, the filing code "Letters" should be used as a separate lead document.

**What is Proper or Title case?**

**A:**

In proper or title case, the first letters of all words are capitalized (except certain words such as - a, an, the, for, and, nor, but, yet, to, of or as) (ex. Motion for Summary Judgment).

**How do I file a document containing Sensitive Data (ex. SSN or DL)?**

**A:**

According to Rule 21c (b), Filing of Documents Containing Sensitive Data is Prohibited and will be returned for correction unless the clerk is notified according to the [Rule 21c \(d\) - \(page 6-7\)](#).

## What if my Sensitive Data is required by Statute to be included?

**A:**

View a listing of data required to be redacted according to [Rule 21c\(a\) - \(page 6\)](#). If e-filed, select the Filing Code “Sensitive Data Document”. Upon acceptance, the clerk will change the Filing Code to the appropriate code and redact the Sensitive Data prior to making the document public.

Note: The filer is only to choose this filing code if the document is a non-fee filing. \*\*In addition, if the document requires a fee to be paid; the filer must select the proper filing code and pay the appropriate fee(s). The filer should choose Security “ Contains Sensitive data” field that the filing is being filed pursuant to Rule 21c(d), designating the document as containing sensitive data when the document is electronically filed, so that the filing is accepted and handled accordingly.

### EXAMPLE: Sensitive Data Document - Filing

The screenshot shows the 'Filings' system interface. The main heading is 'Enter the details for this filing'. The 'Filing Type' is set to 'EFileAndServe' and the 'Filing Code' is 'Counter Claim/Cross Action/Interpleader/Interventio...'. The 'Filing Description' is 'Counter Claim'. The 'Client Reference Number' is 'Firm client re-bill or case tracking #' and the 'Comments to Court' is empty. The 'Courtesy Copies' field is empty. The 'Lead Document' section shows a document named 'CounterClaim.pdf' (26.67 KB) with a description of 'CounterClaim.pdf'. The 'Security' dropdown menu is highlighted with a red box, showing the option 'Contains sensitive data'. The 'Optional Services and Fees' section is empty. The 'Undo' and 'Save Changes' buttons are visible at the bottom.

## I need to file an Answer and Counterclaim/Cross Action. How is that handled?

**A:**

If you are including the Counterclaim/Cross Action as part of your Answer, you must select **Counter Claim/Cross Action/Interpleader/Intervention/Third Party** in order to pay the required filing fee. If the filing fee is not paid, the filing will be returned for correction. If you are filing two documents, file the Answer and the Counterclaim or Cross Action separately as lead documents by selecting the proper filing code for each document. Type the entire title of the document using proper case under filing description or other comment field depending on your EFSP to ensure accuracy.

(See FAQ - **What is Proper or Title case?**)

**When requesting service/issuance (ex. Citation, Precept, Show Cause, Temporary Restraining Order), how do I provide the copy of the Petition/Document that is to be attached to the Process?**

**A:**

You have two options:

1. Pay for a copy to be attached to the process or,
2. Remit a copy of the Petition/Document that is to be attached to the process

**Do I need to file a Request for Process form?**

**A:**

Fort Bend County District Clerk's office business process requires a Request for Process form to be filed for all civil/family cases requiring service. The form can be downloaded from our [Forms Library](#).

**If I am a Pro Se litigant, how do I remit a copy of the Petition/Document that is required to be attached to the process [ex. issuance of citation(s)]?**

**A:**

You can deliver the copies of the Petition/Document by method of mail to Fort Bend County District Clerk at 301 Jackson Street, Room 101, Richmond, Texas 77469 or personal delivery to the Fort Bend County District Clerk's Office at [1422 Eugene Heimann Circle, Room #31004, Richmond, Texas 77469](#). Once received, the requested process will be issued. Please ensure that the "Case Number" and "Judicial District Court Number" are listed on the document and indicate that said document is a "Copy" for the service process.

**Note:** *Process will not be issued until the service copies are received therefore it is imperative that the copies are sent in a timely manner to ensure prompt issuance.*

**If I am a Pro Se litigant, how do I pay for a copy of the pleading to be attached?**

**A:**

The fee for a copy of a pleading on file is \$1.00 per page. If you choose to pay for the copy while you are filing the pleading requiring service, you should follow the procedures as set forth by your chosen EFSP. If a citation or process is requested and copies are not paid for at the time of filing, you will need to deliver the copy or copies of the document to be attached to the process (service paper) to the District Clerk's Office for completion of the requested service.

**Note:** *Process will not be issued until the service copies are received therefore it is imperative that the copies are sent in a timely manner to ensure prompt issuance.*

**What if I need service by a Fort Bend County Constable/Sheriff?**

**A:**

If service is required by one or multiple Fort Bend County Constables/Sheriff, choose a generic Constable/Sheriff as set forth by your chosen EFSP. The clerk will make the necessary changes to reflect the appropriate Constable(s) prior to acceptance.

View [Constable/Sheriff - Fees](#).

**If cases have been consolidated, which case number should be used to e-file documents?**

**A:**

All documents should be e-filed using the **pending** case number only.

**How do I pay a Jury Fee?****A:**

If you are filing a Jury Demand or any other document, you can add Jury Fee as an Optional Service.

If you are not filing a document, choose Filing Code "Jury Fee Paid" (\$40.00) and attach a cover letter as the lead document.