



# 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 Statement of Inability to Afford Payment of Court Costs? 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 Statement of Inability to Afford Payment of Court Costs 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/ofswab>

The screenshot shows the EFILE TX COURTS.gov interface. At the top, there are navigation links for 're:SearchTX', 'Contact Us', 'GoToAssist', 'Chat', and 'Show Me How To...'. The 'Actions' menu is open, listing options like 'Dashboard', 'Start a New Case', 'File Into Existing Case', 'Filing History', 'Templates', 'Service Contacts', 'Bookmarks', 'Reports', 'Contact Information', 'Payment Accounts', and 'Help'. The 'Payment Accounts' option is highlighted. Below this, the 'Payment Accounts' section features an 'Add Payment Account' button. A table lists existing accounts:

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

Below the table is a form to add a new account. The 'Payment Account Name' field contains 'Waiver' and the 'Payment Account Type' dropdown is set to 'Waiver'. Both fields are circled in red. At the bottom of the form are 'Undo' and 'Save Changes' buttons.

**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, Certificate, etc. or No Fee Document 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' interface with the following details:

- Filing Type:** EFileAndServe
- Filing Code:** Counter Claim/Cross Action/Interpleader/Interventio...
- Filing Description:** Counter Claim
- Client Reference Number:** Firm client re-bill or case tracking #
- Comments to Court:** (Empty field)
- Courtesy Copies:** (Empty field)
- Lead Document (Required):** CounterClaim.pdf (26.67 kB). The 'Security' dropdown menu is highlighted with a red box, showing the option 'Contains sensitive data'.
- Optional Services and Fees:** (Table with columns: Optional Services and Fees, Fee Amount, Quantity, Fee Total. Includes a button to 'Add Optional Services and Fees').
- Buttons:** Undo, Save Changes

## 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?**)

### **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 [FormsLibrary](#).

### **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" (\$10.00) and attach a cover letter as the lead document.