

GOVERNMENT CODE
TITLE 2. JUDICIAL BRANCH
SUBTITLE F. COURT ADMINISTRATION
CHAPTER 72. OFFICE OF COURT ADMINISTRATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 72.001. DEFINITIONS. In this chapter:

(1) "Court" means any tribunal forming a part of the judiciary.

(2) "Director" means the administrative director of the courts appointed as provided by this chapter.

(3) "Office" means the Office of Court Administration of the Texas Judicial System.

(4) "Trial court" means any tribunal forming a part of the judiciary, except the supreme court, the court of criminal appeals, and the courts of appeals, but does not include the commissioners court of a county.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.83(a), eff. Sept. 1, 1987.

Sec. 72.002. EFFECT ON JUDICIAL DISCRETION. This chapter or a rule adopted by the supreme court under Section [74.024](#) does not authorize an infringement of the judicial discretion of a judge in the trying of a case properly before his court.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.84(a), eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 646, Sec. 5, eff. Aug. 28, 1989.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 72.011. OFFICE OF COURT ADMINISTRATION. (a) The office of court administration is an agency of the state and operates under the direction and supervision of the supreme court and the chief justice of the supreme court.

(b) The office shall exercise the powers and perform the duties or functions imposed on the office by this chapter or the

supreme court.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.85(a), eff. Sept. 1, 1987.

Sec. 72.012. DIRECTOR. (a) The director shall:

(1) implement this chapter and direct the operations of the office of court administration; and

(2) as an additional duty of his office, serve as the executive director of the Texas Judicial Council.

(b) The director shall devote full time to his official duties.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.86(a), eff. Sept. 1, 1987.

Sec. 72.014. CERTIFICATION DIVISION. The office shall establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court. Fees collected under Section 51.008 may be appropriated to the office to support the certification division.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. 1), Sec. 39.01, eff. September 28, 2011.

Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) The office shall establish a judicial security division to provide guidance to state court personnel on improving security for each court.

(b) The office shall appoint a director of security and emergency preparedness to oversee the judicial security division.

(c) The judicial security division shall:

(1) serve as a central resource for information on local and national best practices for court security and the safety of court personnel;

(2) provide an expert opinion on the technical aspects of court security; and

(3) keep abreast of and provide training on recent court security improvements.

(d) The director of security and emergency preparedness shall annually submit to the legislature:

(1) a report on court security activities throughout the state supported by the judicial security division, including:

(A) the technical aspects of providing court security;

(B) court security training provided or required by the judicial security division;

(C) sufficiency of judicial security division resources to evaluate and monitor court security; and

(D) the adequacy of funding to maintain court security; and

(2) recommendations for:

(A) monitoring the use of state resources in providing court security;

(B) improving court security; and

(C) increasing the amount of state funds and other resources made available for court security.

Added by Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. 42), Sec. 8, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 518 (S.B. 489), Sec. 2, eff. September 1, 2019.

Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY. The director shall develop a procedure to regularly notify county registrars, the Department of Public Safety, the Texas Ethics Commission, and any other state agency the office determines should be notified of the judges, judges' spouses, and related family members whose personal information must be kept from public records, as provided under Sections 552.117 and 572.035 of this code, Sections 13.0021 and 15.0215, Election Code, and Section 521.121, Transportation Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. 42), Sec. 8, eff. September 1, 2017.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 72.021. BUDGET; EXPENDITURES. (a) The director shall

prepare and submit an estimated budget for the appropriation of funds necessary for the maintenance and operation of the judicial system.

(b) The director shall study and recommend expenditures and savings of funds appropriated for the maintenance and operation of the judicial system.

(c) The office may award a grant of money to a local or state governmental entity in the judicial branch of local or state government to fund programs that:

(1) are approved by the Judicial Committee on Information Technology under Chapter 77; and

(2) provide technological support for the judiciary.

(d) At the end of each fiscal year, the office shall file with the Legislative Budget Board a report on the amount, recipient, and purpose for each grant awarded under Subsection (c). All money expended under a grant awarded under Subsection (c) is subject to audit by the comptroller and the state auditor.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.87(a), eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 73 (H.B. 368), Sec. 1, eff. September 1, 2007.

Sec. 72.022. PERSONNEL. (a) The director, with the approval of the chief justice of the supreme court, shall employ the personnel needed to administer the office, including personnel needed for the Texas Judicial Council.

(b) The office shall provide staff functions necessary for the efficient operation of the Texas Judicial Council.

(c) This chapter does not limit the authority of a court to appoint clerical personnel.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 72.023. CONSULTATION AND ASSISTANCE. (a) The director shall assist the justices and judges in discharging their administrative duties.

(b) The director shall consult with the regional presiding

judges and local administrative judges and assist them in discharging duties imposed by law or by a rule adopted by the supreme court.

(c) The director, to provide for the efficient administration of justice, shall consult with and assist:

- (1) court clerks;
- (2) other court officers or employees; and
- (3) clerks or other officers or employees of offices related to and serving a court.

(d) The director, to provide for uniform administration of the courts and efficient administration of justice, shall consult with and make recommendations to administrators and coordinators of the courts.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.88(a), eff. Sept. 1, 1987.

Sec. 72.024. METHODS; RECOMMENDATIONS. (a) The director shall examine the judicial dockets, practices, and procedures of the courts and the administrative and business methods or systems used in the office of a clerk of a court or in an office related to and serving a court.

(b) The director shall recommend:

- (1) a necessary improvement to a method or system;
- (2) a form or other document used to record judicial business; or
- (3) any other change that will promote the efficient administration of justice.

(c) The director shall recommend to the supreme court appropriate means to implement this chapter.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.89(a), eff. Sept. 1, 1987.

Sec. 72.025. ANNUAL REPORT. (a) The director shall prepare an annual report of the activities of the office.

(b) The report must be published in the annual report of the Texas Judicial Council.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 72.026. RULES. The director, under the supervision of the chief justice, shall implement a rule of administration or other rules adopted by the supreme court for the efficient administration of justice.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.90(a), eff. Sept. 1, 1987.

Sec. 72.027. ADDITIONAL DUTIES. The supreme court or the chief justice of the supreme court may assign the director duties in addition to those imposed by this chapter.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, Sec. 2.91(a), eff. Sept. 1, 1987.

Sec. 72.028. GIFTS, GRANTS, AND DONATIONS. (a) Except as provided by Subsection (b), the office may request, accept, and administer gifts, grants, and donations from any source to carry out the purposes of this chapter.

(b) The office may not request, accept, or administer a gift, grant, or donation from a law firm, an attorney, an employee of a law firm or attorney, or the spouse of an attorney or of an employee of a law firm or an attorney.

(c) In this section, "law firm" means a partnership, limited liability partnership, or professional corporation organized for the private practice of law.

Added by Acts 1997, 75th Leg., ch. 183, Sec. 1, eff. Sept. 1, 1997.

Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS.

(a) The office shall develop and administer, except as provided by Subsection (c), a program to provide grants from available funds to counties for initiatives that will enhance their court systems or otherwise carry out the purposes of this chapter.

(b) To be eligible for a grant under this section, a county must:

(1) use the grant money to implement initiatives that will enhance the county's court system, including initiatives to develop programs to more efficiently manage cases that require

special judicial attention, or otherwise carry out the purposes of this chapter; and

(2) apply for the grant in accordance with procedures developed by the office and comply with any other requirements of the office.

(c) The judicial committee for additional resources shall determine whether to award a grant to a county that meets the eligibility requirements prescribed by Subsection (b).

(d) If the judicial committee for additional resources awards a grant to a county, the office shall:

(1) direct the comptroller to distribute the grant money to the county; and

(2) monitor the county's use of the grant money.

(e) The office may accept gifts, grants, and donations for purposes of this section. The office may not use state funds to provide a grant under this section or to administer the grant program.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 8.01, eff. January 1, 2012.

Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL TURNOVER. (a) The office biennially shall collect data relating to:

(1) the rate at which state judges resign from office or do not seek reelection; and

(2) the reason for action under Subdivision (1).

(b) Not later than December 1 of each even-numbered year, the office shall file a report containing the data collected under Subsection (a) for the preceding state fiscal biennium with the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary or appropriations.

(c) The report filed under Subsection (b) must include the following findings:

(1) whether the compensation of state judges exceeds, is equal to, or is less than the compensation of judges at

corresponding levels in the five states closest in population to this state; and

(2) whether the compensation of state judges exceeds, is equal to, or is less than the average salary of lawyers engaged in the private practice of law.

(d) The purpose of filing the report with the legislature is to provide the legislature with information to facilitate legislation that ensures that the compensation of state judges is adequate and appropriate.

Added by Acts 2005, 79th Leg., 2nd C.S., Ch. 3 (H.B. 11), Sec. 8, eff. December 1, 2005.

Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this section:

(1) "Appellate court" means the supreme court, the court of criminal appeals, or a court of appeals.

(2) "Electronic filing system" means the filing system established by supreme court rule or order for the electronic filing of documents in courts of this state.

(3) "Electronic filing transaction" means the simultaneous electronic filing of one or more documents related to a proceeding before a court in this state.

(4) "Local government" means a county or municipality.

(5) "State court document database" means a database accessible by the public and established or authorized by the supreme court for storing documents filed with a court in this state.

(b) The office as authorized by supreme court rule or order may:

(1) implement an electronic filing system for use in the courts of this state;

(2) allow public access to view information or documents in the state court document database; and

(3) charge a reasonable fee for additional optional features in the state court document database.

(c) Expired.

(d) A local government or appellate court that uses the

electronic filing system may accept electronic payment methods, including payments made with credit and debit cards.

(e) A governmental entity not otherwise required to pay a filing fee under any other law may not be required to pay a fee established under this section.

(f) A court shall waive payment of any fee due under this section for an individual the court determines is indigent.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1290 (H.B. [2302](#)), Sec. 3, eff. September 1, 2013.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 6.01, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 6.02, eff. September 1, 2021.

Sec. 72.032. BEST PRACTICES EDUCATION. The director shall make available to courts information concerning best practices for addressing the needs of persons with mental illness in the court system, including the use of the preferred terms and phrases provided by Section [392.002](#).

Added by Acts 2017, 85th Leg., R.S., Ch. 748 (S.B. [1326](#)), Sec. 31, eff. September 1, 2017.

Sec. 72.033. LIST OF NEW OR AMENDED COURT COSTS AND FEES. The office biennially shall prepare and publish a list of new or amended court costs and fees as required by Section [51.607](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. [891](#)), Sec. 9.03, eff. September 1, 2019.

Sec. 72.034. PUBLIC INFORMATION INTERNET WEBSITE. (a) In this section:

(1) "Public information" means citation, other related public or legal notice that a person, including a party to a cause of action, is required to publish under a statute or rule, and any other information that the person submits for publication on the public information Internet website to effectuate service of citation by publication.

(2) "Public information Internet website" means the official statewide Internet website developed and maintained by the office under this section for the purpose of providing citation by publication.

(b) The office shall develop and maintain a public information Internet website that allows a person to easily publish public information on the Internet website or the office to post public information on the Internet website on receipt from the person.

(c) The public information Internet website shall allow the public to easily access, search, and sort the public information.

(d) The supreme court by rule shall establish procedures for the submission of public information to the public information Internet website by a person who is required to publish the information.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 9.03, eff. September 1, 2019.

Sec. 72.035. SETTLEMENT AGREEMENT DATABASE. (a) The office shall establish and maintain an electronic database that contains personal injury or wrongful death settlement agreements for which a minor or incapacitated person is the beneficiary. A party to the agreement or a guardian, next friend, or guardian ad litem may record the agreement in the database. Only one copy of an agreement may be filed by the parties or the guardian, next friend, or guardian ad litem in each settlement agreement.

(b) A settlement agreement recorded in the database is confidential, and the office shall ensure that a settlement agreement may be accessed only by:

- (1) the parties to the settlement agreement;
- (2) each attorney representing a party to the settlement agreement; or
- (3) the guardian, next friend, or guardian ad litem of a party to the settlement agreement.

(c) The office may set and collect a fee to record a settlement agreement in the database in an amount sufficient to cover the costs of maintaining the agreement in the database, not to

exceed \$50 for each agreement.

(d) Any fee to record a settlement agreement in the database established by the office as provided by Subsection (c) is a court cost to be included for payment in the settlement agreement.

Added by Acts 2019, 86th Leg., R.S., Ch. 743 (H.B. 770), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 72.034 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(12), eff. September 1, 2021.

Sec. 72.036. TRAINING ON EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. The office shall develop and annually provide a training program to educate and inform judges on the components of the pilot program established under Section 493.034.

Added by Acts 2021, 87th Leg., R.S., Ch. 1014 (H.B. 2352), Sec. 2, eff. September 1, 2021.

Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED DOCUMENTS FORM. (a) The office shall develop and make available a standardized transfer certificate and an index of transferred documents form to be used for the transfer of cases and proceedings under Section 155.207, Family Code, and Sections 51.3071 and 51.403 of this code.

(b) In developing a form under this section, the office shall consult with representatives of county and district clerks.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 7.04, eff. September 1, 2021.

Sec. 72.038. BAIL FORM. (a) The office shall promulgate a form to be completed by a magistrate, judge, sheriff, peace officer, or jailer who sets bail under Chapter 17, Code of Criminal Procedure, for a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense. The office shall incorporate the completed forms into the public safety report system developed under Article 17.021, Code of Criminal Procedure.

(b) The form must:

(1) state the cause number of the case, if available,

the defendant's name and date of birth, and the offense for which the defendant was arrested;

(2) state the name and the office or position of the person setting bail;

(3) require the person setting bail to:

(A) identify the bail type, the amount of the bail, and any conditions of bail;

(B) certify that the person considered each factor provided by Article 17.15(a), Code of Criminal Procedure; and

(C) certify that the person considered the information provided by the public safety report system; and

(4) be electronically signed by the person setting the bail.

(c) The person setting bail, an employee of the court that set the defendant's bail, or an employee of the county in which the defendant's bail was set must, on completion of the form required under this section, promptly but not later than 72 hours after the time the defendant's bail is set provide the form electronically to the office through the public safety report system.

(d) The office shall publish the information from each form submitted under this section in a database that is publicly accessible on the office's Internet website. Any identifying information or sensitive data, as defined by Rule 21c, Texas Rules of Civil Procedure, regarding the victim of an offense and any person's address or contact information shall be redacted and may not be published under this subsection.

Added by Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. 6), Sec. 17, eff. December 2, 2021.

SUBCHAPTER D. JUDICIAL LAW CLERK AND STAFF ATTORNEY RECRUITMENT

Sec. 72.041. DIVERSITY. The judges of the supreme court, court of criminal appeals, and courts of appeals shall encourage the recruitment of judicial law clerks and staff attorneys that reflect the gender, racial, and ethnic diversity of this state.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 2, eff. Sept. 1, 1997.

Sec. 72.042. DEMOGRAPHIC CENSUS. (a) The office shall annually publish a report regarding the demographic profile of the judicial law clerks and attorneys employed by the courts of this state.

(b) The office may request that a court provide demographic information to the office.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 2, eff. Sept. 1, 1997.

SUBCHAPTER E. COURT PERFORMANCE STANDARDS

Sec. 72.081. RULES. The office shall adopt rules and forms for administering this subchapter and for obtaining information under this subchapter.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 3, eff. Sept. 1, 1997.

Sec. 72.082. PERFORMANCE REPORT. The office shall annually collect and publish a performance report of information regarding the efficiency of the courts of this state.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 3, eff. Sept. 1, 1997.

Sec. 72.083. TRIAL COURTS. The office shall report the aggregate clearance rate of cases for the district courts. In this section, "clearance rate" means the number of cases disposed of by the district courts divided by the number of cases added to the dockets of the district courts.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 3, eff. Sept. 1, 1997.

Sec. 72.084. COURT OF APPEALS. Each month, a court of appeals shall report to the office:

(1) the number of cases filed with the court during the reporting month;

(2) the number of cases disposed of by the court during the reporting month;

(3) for active cases on the docket of the court on the reporting date, the average number of days from the date of submission of the case to the court until the reporting date; and

(4) for each case disposed of during the reporting month by the court, the number of days from the date of submission of the case to the court until the date of disposition of the case by the court.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 3, eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1203 (S.B. 1455), Sec. 6, eff. September 1, 2015.

Sec. 72.085. COURT OF CRIMINAL APPEALS. The court of criminal appeals shall annually report to the office:

(1) the number of cases filed with the court during the reporting year involving:

- (A) capital punishment;
- (B) an application for writ of habeas corpus; or
- (C) a petition for discretionary review;

(2) the number of cases disposed of by the court during the reporting year involving:

- (A) capital punishment;
- (B) an application for writ of habeas corpus; or
- (C) a petition for discretionary review;

(3) the average number of days from the date a case was filed with the court until the reporting date, for each active case on the docket of the court on the reporting date involving:

- (A) capital punishment;
- (B) an application for writ of habeas corpus; or
- (C) a petition for discretionary review; and

(4) the average number of days from the date a case was filed with the court until the date the case was disposed of by the court, for each case disposed of during the reporting year by the court involving:

- (A) capital punishment;
- (B) an application for writ of habeas corpus; or
- (C) a petition for discretionary review.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 3, eff. Sept. 1, 1997.

Sec. 72.086. SUPREME COURT. (a) The supreme court shall

annually report to the office:

(1) the number of cases filed with the court during the reporting year;

(2) the number of cases disposed of by the court during the reporting year;

(3) for the active cases on the docket of the court on the reporting date, the average number of days from the date a case was filed with the court until the reporting date; and

(4) for the cases disposed of during the reporting year by the court, the average number of days from the date a case was filed with the court until the date of release of the court's opinion for the case or the date the case was otherwise disposed of by the court.

(b) For cases on the docket of the court during the reporting year, the supreme court shall annually report to the office:

(1) the average number of days from the date a case is filed with the court until the date the court releases an order announcing its decision granting, overruling, denying, or dismissing an application, petition, or motion;

(2) the average number of days from the date of the granting of an application, petition, or motion until the date of oral argument of the case;

(3) the average number of days from the date of the oral argument of the case until the date the court issues a signed opinion and judgment for the case; and

(4) the average number of days from the date of filing of a case with the court until the date of the release of a per curiam opinion.

Added by Acts 1997, 75th Leg., ch. 1327, Sec. 3, eff. Sept. 1, 1997.

Sec. 72.087. CAPITAL TRIALS. (a) The office shall annually collect and publish a report of information regarding cases involving the trial of a capital offense.

(b) The report must include:

(1) the contents of the trial court's charge to the jury; and

(2) the sentence issued in each case.

(c) Not later than the 30th day after the date the judgment of conviction or acquittal is entered in a case involving the trial of a capital offense, the judge or clerk of the court shall submit to the office a written record of the case containing the information required by Subsection (b).

Added by Acts 2007, 80th Leg., R.S., Ch. 390 (S.B. 705), Sec. 1, eff. September 1, 2007.

SUBCHAPTER F. PROTECTIVE ORDER REGISTRY

Sec. 72.151. DEFINITIONS. In this subchapter:

(1) "Authorized user" means a person to whom the office has given permission and the means to submit records to or modify or remove records in the registry. The term does not include members of the public who may only access through the registry's Internet website certain information regarding protective orders entered into the registry.

(2) "Peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(3) "Protective order" means:

(A) an order issued by a court in this state under Chapter 83 or 85, Family Code, to prevent family violence, as defined by Section 71.004, Family Code;

(B) an order issued by a court in this state under Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent sexual assault or abuse, stalking, trafficking, or other harm to the applicant; or

(C) a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

(4) "Protective order registry" or "registry" means the protective order registry established under Section 72.153.

(5) "Race or ethnicity" means a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. 325), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 13.01, eff. September 1, 2021.

Sec. 72.152. APPLICABILITY. This subchapter applies only to:

- (1) an application for a protective order filed under:
 - (A) Chapter 82, Family Code;
 - (B) Subchapter A, Chapter 7B, Code of Criminal Procedure; or
 - (C) Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence; and
- (2) a protective order issued under:
 - (A) Chapter 83 or 85, Family Code;
 - (B) Subchapter A, Chapter 7B, Code of Criminal Procedure; or
 - (C) Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. 325), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 13.02, eff. September 1, 2021.

Sec. 72.153. PROTECTIVE ORDER REGISTRY. (a) In consultation with the Department of Public Safety and the courts of this state, the office shall establish and maintain a centralized Internet-based registry for applications for protective orders filed in this state and protective orders issued in this state.

(b) The office shall establish and maintain the registry in a manner that allows municipal and county case management systems to easily interface with the registry.

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. 325), Sec. 1, eff.

September 1, 2019.

Sec. 72.154. PUBLIC ACCESS TO PROTECTIVE ORDER REGISTRY.

(a) Subject to Subsections (c) and (d) and Section [72.158](#), the office shall establish and maintain the registry in a manner that allows a member of the public, free of charge, to electronically search for and receive publicly accessible information contained in the registry regarding each protective order issued in this state. The registry must be searchable by:

- (1) the county of issuance;
- (2) the name of a person who is the subject of the protective order; and
- (3) the birth year of a person who is the subject of the protective order.

(b) Publicly accessible information regarding each protective order must consist of the following:

- (1) the court that issued the protective order;
- (2) the case number;
- (3) the full name, county of residence, birth year, and race or ethnicity of the person who is the subject of the protective order;
- (4) the dates the protective order was issued and served; and
- (5) the date the protective order expired or will expire, as applicable.

(c) A member of the public may only access the information in the registry described by Subsection (b).

(d) The office may not allow a member of the public to access through the registry any information related to:

- (1) a protective order issued under Article [7B.002](#) or [17.292](#), Code of Criminal Procedure, or Chapter [83](#), Family Code; or
- (2) a protective order that was vacated.

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. [325](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 13.03, eff. September 1, 2021.

Sec. 72.155. RESTRICTED ACCESS TO PROTECTIVE ORDER REGISTRY. (a) The registry must include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including an expired order, or a vacated order other than an order that was vacated as the result of an appeal or bill of review from a district or county court. Only an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer may access that information under the registry.

(b) The office shall ensure that an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer is able to search for and receive a copy of a filed application for a protective order or a copy of an issued protective order through the registry's Internet website.

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. 325), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 13.04, eff. September 1, 2021.

Sec. 72.156. ENTRY OF APPLICATIONS. (a) Except as provided by Subsection (b), as soon as possible but not later than 24 hours after the time an application for a protective order is filed, the clerk of the court shall enter a copy of the application into the registry.

(b) A clerk may delay entering information under Subsection (a) into the registry only to the extent that the clerk lacks the specific information required to be entered.

(c) The office shall ensure that a member of the public is not able to access through the registry's Internet website the application or any information related to the application entered into the registry under Subsection (a).

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. 325), Sec. 1, eff. September 1, 2019.

Sec. 72.157. ENTRY OF ORDERS. (a) Except as provided by Subsection (c), as soon as possible but not later than 24 hours after the time a court issues an original or modified protective order or extends the duration of a protective order, the clerk of the court shall enter into the registry:

(1) a copy of the order and, if applicable, a notation regarding any modification or extension of the order; and

(2) the information required under Section 72.154(b).

(b) Except as provided by Subsection (b-1), for a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order's status as vacated or expired. The clerk shall ensure that a record of a vacated order is not accessible by the public.

(b-1) For a protective order that is vacated as the result of an appeal or bill of review from a district or county court, the clerk of the applicable court shall notify the office not later than the end of the next business day after the date the protective order was vacated. The office shall remove the record of the order from the registry not later than the third business day after the date the notice from the clerk was received.

(c) A clerk may delay entering information under Subsection (a) into the registry only to the extent that the clerk lacks the specific information required to be entered.

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. 325), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 13.05, eff. September 1, 2021.

Sec. 72.158. REQUEST FOR GRANT OR REMOVAL OF PUBLIC ACCESS.

(a) The office shall ensure that the public may access information about protective orders, other than information about vacated orders or orders under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code, through the registry, only if:

(1) a protected person requests that the office grant the public the ability to access the information described by Section 72.154(b) for the order protecting the person; and

(2) the office approves the request.

(b) A person whose request under Subsection (a) was approved by the office may request that the office remove the ability of the public to access the information that was the subject of the person's earlier approved request. Not later than the third business day after the office receives a request under this subsection, the office shall remove the ability of the public to access the information.

(c) The Supreme Court of Texas:

(1) shall prescribe a form for use by a person requesting a grant or removal of public access as described by Subsections (a) and (b); and

(2) by rule may prescribe procedures for requesting a grant or removal of public access as described by Subsections (a) and (b).

Added by Acts 2019, 86th Leg., R.S., Ch. 16 (S.B. 325), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 13.06, eff. September 1, 2021.

SUBCHAPTER G. GUARDIANSHIP ABUSE, FRAUD, AND EXPLOITATION

DETERRENCE PROGRAM

Sec. 72.121. DEFINITIONS. In this subchapter:

(1) "Estate" has the meaning assigned by Section 1002.010, Estates Code.

(1-a) "Financial institution" has the meaning assigned by Section 201.101, Finance Code.

(1-b) "Guardianship proceeding" has the meaning assigned by Section 1002.015, Estates Code.

(2) "Program" means the guardianship abuse, fraud, and exploitation deterrence program established by this subchapter.

(3) "Ward" has the meaning assigned by Section

[1002.030](#), Estates Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 1226 (S.B. [31](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 181 (S.B. [692](#)), Sec. 1, eff. May 30, 2021.

Sec. 72.122. ESTABLISHMENT OF PROGRAM. (a) The office shall establish and maintain a guardianship abuse, fraud, and exploitation deterrence program designed to provide additional resources and assistance to courts that have jurisdiction over guardianship proceedings by:

(1) engaging guardianship compliance specialists who shall:

(A) review the guardianships of wards and identify reporting deficiencies by guardians;

(B) audit annual accounts required to be filed by guardians under Chapter [1163](#), Estates Code, or other law and report their findings to the appropriate courts;

(C) work with courts to develop best practices in managing guardianship cases; and

(D) report to the appropriate courts any concerns of potential abuse, fraud, or exploitation, including financial exploitation, committed against a ward and discovered as a result of the specialists' work under this section; and

(2) maintaining an electronic database to monitor filings of:

(A) inventories, appraisements, and lists of claims required under Chapter [1154](#), Estates Code, or Section [1203.203](#), Estates Code;

(B) annual reports required under Section [1163.101](#), Estates Code; and

(C) any other reports and accounts required of guardians under Chapter [1163](#), Estates Code, or other law.

(b) A court is required to participate in the program, including allowing guardianship compliance specialists to conduct reviews and audits under the program, if the court is selected by

the office to participate in the program.

(c) A court may apply to the office in the manner and form prescribed by the office for participation in the program.

Added by Acts 2019, 86th Leg., R.S., Ch. 1226 (S.B. 31), Sec. 1, eff. September 1, 2019.

Sec. 72.1221. PROGRAM ACCESS TO FINANCIAL RECORDS. (a) To the extent allowed and in the manner required by federal law, a financial institution or other person, as applicable, shall on request provide the program with access to financial institution records, accounting records, and other financial records concerning a ward or the ward's estate, including receipts, records of deposits and withdrawals, invoices, bills, and any other records of transactions involving the money or assets of a ward or the ward's estate, for purposes of conducting reviews and audits under the program.

(b) The program may request the court in which the guardianship is pending to order a financial institution or other person who possesses the records described by Subsection (a) to provide the records to the program.

(c) After notice and a hearing, the court may issue an order requiring the financial institution or other person to provide the records to the program under the conditions the court prescribes.

Added by Acts 2021, 87th Leg., R.S., Ch. 181 (S.B. 692), Sec. 2, eff. May 30, 2021.

Sec. 72.123. NOTIFICATION OF STATE COMMISSION ON JUDICIAL CONDUCT. The director may notify the State Commission on Judicial Conduct in writing if the office has reason to believe that a judge's actions or failure to act with respect to a report received from a guardianship compliance specialist indicating a concern described by Section 72.122(a)(1)(D) constitutes judicial misconduct.

Added by Acts 2019, 86th Leg., R.S., Ch. 1226 (S.B. 31), Sec. 1, eff. September 1, 2019.

Sec. 72.124. ANNUAL REPORT. Not later than January 1 of

each year, the office shall submit a report to the legislature regarding the performance of the program. The report must include:

- (1) the number of courts involved in the program;
- (2) the number of guardianships reviewed by guardianship compliance specialists;
- (3) the number of reviewed guardianship cases found to be out of compliance with statutory reporting requirements;
- (4) the number of cases reported to a court concerning potential abuse, fraud, or exploitation, including financial exploitation, committed against a ward; and
- (5) the status of any technology developed to monitor guardianship cases for purposes of the program.

Added by Acts 2019, 86th Leg., R.S., Ch. 1226 (S.B. 31), Sec. 1, eff. September 1, 2019.