

PART 8. TEXAS JUDICIAL COUNCIL

Chapter	Section
171. Reporting Requirements	171.1
173. Indigent Defense Grants	173.101
174. Indigent Defense Policies and Standards	174.1
175. Collection Improvement Program	175.1
177. Judicial Committee on Information Technology	177.1

CHAPTER 171. REPORTING REQUIREMENTS

Section

- 171.1. Authority to Adopt and Purpose of Rules.
- 171.2. General Reporting Requirements.
- 171.3. Types of Cases to be Counted and Reported.
- 171.4. District Court Reports.
- 171.5. Statutory County Court Reports.
- 171.6. Constitutional County Courts Reports.
- 171.7. Justice Court Reports.
- 171.8. Municipal Court Reports.

§ 171.1. Authority to Adopt and Purpose of Rules

These rules are adopted under the authority granted by § 71.019 of the Texas Government Code, which authorizes the Texas Judicial Council to adopt rules expedient for the administration of its functions; and § 71.035 of the Texas Government Code, which authorizes the council to require a state justice, judge, clerk, or other court official, as an official duty, to comply with reasonable requirements for supplying statistics pertaining to the amount and character of the civil and criminal business transacted by the court or other information on the conduct, operation, or business of the court or the office of the clerk of the court.

Source: The provisions of this §171.1 adopted to be effective June 18, 2008, 33 TexReg 4663.

§ 171.2. General Reporting Requirements

District clerks, county clerks, justices of the peace, and municipal judges shall submit a summary-level court activity report each month to the Office of Court Administration (OCA) using the methods required by this chapter no later than 20 days following the end of the month reported. The revised reporting requirements of this chapter concerning district courts, statutory county courts, and constitutional county courts will take effect with reports beginning September 1, 2010. The revised reporting requirements of this chapter concerning justice courts and municipal courts will take effect with reports beginning September 1, 2011. OCA shall maintain and update reporting instructions and forms ini-

tially approved by the Texas Judicial Council, and shall continually make the instructions and forms available by publishing them on its website and by other appropriate means.

Source: The provisions of this §171.2 adopted to be effective June 18, 2008, 33 TexReg 4663; amended to be effective January 7, 2010, 35 TexReg 62.

§ 171.3. Types of Cases to be Counted and Reported

(a) Criminal cases. Criminal cases include felony and misdemeanor cases. The number of criminal cases to be reported is based on the number of defendants named in the charging instrument. If a single charging instrument names more than one defendant, it is counted as more than one case. If the same defendant is charged in more than one charging instrument, it is counted as more than one case. If a charging instrument contains more than one count as provided by Article 21.24, Code of Criminal Procedure, it is reported as one case under the most serious offense alleged.

(b) Civil cases. Civil cases are counted and reported when an original petition is filed (no matter how many parties are involved) or when a case is added to the docket in a manner other than the filing of a new, original case, including but not limited to the following: the granting of a motion for new trial of a case previously disposed of; the transfer of a case from another county on change of venue; the remand of a case that had been appealed; the granting of a severance; and the docketing of a writ of garnishment or bill of review.

(c) Family law cases. Family law cases are counted and reported when an original petition is filed (no matter how many parties or children are involved), when a show cause motion, motion to modify, or similar motion is filed following entry of original judgment, or when any other case is filed under the Texas Family Code.

(d) Juvenile cases. Juvenile cases are counted and reported based on the number of respondents named

1 TAC § 171.3

in a petition for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision, as governed by Title 3 of the Texas Family Code. If the same respondent is charged in more than one petition, it is counted as more than one case. If one petition contains more than one count, it is counted as one case under the most serious offense alleged.

(e) Probate and guardianship cases. Probate and guardianship cases are counted and reported based on the number of proceedings filed or heard each month.

(f) Mental health cases. Mental health cases are counted and reported based on the number of applications filed or hearings held each month.

Source: The provisions of this §171.3 adopted to be effective June 18, 2008, 33 TexReg 4663.

§ 171.4. District Court Reports

(a) Method. The district clerk of each county shall submit a district court activity report of the criminal, civil, family law and juvenile cases in the county's district courts. A separate report may be submitted for each district court or a single report may be submitted showing the combined activity of all the district courts in the county. Unless OCA grants a waiver for good cause, the district clerk shall submit the reports by electronic means approved by OCA. The maximum duration of a waiver is one year, but OCA may approve successive waivers.

(b) Reporting Categories.

(1) Criminal Cases.

(A) Criminal case type categories. The monthly report contains the following categories of felony case types: capital murder, murder, other homicides, aggravated assault or attempted murder, sexual assault of an adult, indecency with or sexual assault of a child, family violence assault, aggravated robbery or robbery, burglary, theft, automobile theft, drug sale or manufacture, drug possession, felony D.W.I., and other felonies; and a misdemeanor case type category for all misdemeanors.

(B) Criminal case activity categories. The monthly report contains sections for reporting cases on docket, dispositions, supplemental information and additional court activity.

(C) Report of a request for a hate crime finding. This section of the monthly report requests information pursuant to Article 2.211 of the Code of Criminal Procedure.

(2) Civil Cases.

(A) Civil case type categories. The monthly report contains the following categories of civil cases:

injury or damage—motor vehicle, injury or damage—medical malpractice, injury or damage—other professional malpractice, injury or damage—asbestos/silica product liability, injury or damage—other product liability, other injury or damage, real property—eminent domain, other real property, contract—consumer/commercial/debt, other contract, civil cases relating to criminal matters, other civil cases, and tax cases.

(B) Civil case activity categories. The monthly report contains sections for reporting cases on docket, dispositions and additional court activity.

(3) Family Law Cases.

(A) Family law case type categories. The monthly report contains the following categories of family law cases: divorce—children, divorce—no children, parent/child—no divorce, child protective services, termination of parental rights, adoption, protective orders—no divorce, Title IV-D—paternity, Title IV-D—support order, and Title IV-D—UIFSA, all other family law cases, and post-judgment actions for modification—custody, modification—other, enforcement, and Title IV-D.

(B) Family law case activity categories. The monthly report contains sections for cases on docket, dispositions and additional court activity section.

(4) Juvenile Cases.

(A) Juvenile case type categories. The monthly report contains a category for conduct indicating a need for supervision (C.I.N.S.) cases and the following categories of delinquent conduct cases: capital murder, murder, other homicides, aggravated assault or attempted murder, assault, indecency with a child or sexual assault, aggravated robbery or robbery, burglary, theft, automobile theft, felony drug offenses, misdemeanor drug offenses, D.W.I., contempt of court, and all other offenses.

(B) Juvenile case activity categories. The monthly report contains sections for reporting cases on docket, adjudications, dispositions and additional court activity.

Source: The provisions of this §171.4 adopted to be effective June 18, 2008, 33 TexReg 4663.

§ 171.5. Statutory County Court Reports

(a) Method. Each district clerk or county clerk who maintains the records for the statutory county courts (including statutory probate courts) of a county shall submit a court activity report of criminal, civil, family law, juvenile, probate and guardianship, and mental health cases for these courts. A separate report may be submitted for each statutory county

court or a single report may be submitted for all statutory county courts in the county. Unless OCA grants a waiver for good cause, the clerk shall submit the reports by electronic means approved by the OCA. The maximum duration of a waiver is one year, but OCA may approve successive waivers.

(b) Reporting Categories.

(1) Criminal Cases.

(A) Criminal case type categories. The monthly report for criminal cases is divided into sections for misdemeanors and felonies.

(i) Misdemeanor case types. The report contains the following categories for reporting misdemeanor cases: D.W.I.—first offense, D.W.I.—second offense, theft, theft by check, drug possession—marijuana, drug offenses—other, family violence assault, other assault, traffic, D.W.L.S./D.W.L.I., and other misdemeanor cases.

(ii) Felony case types. The report contains the following categories for reporting felony cases: capital murder, murder, other felony homicides, aggravated assault or attempted murder, sexual assault of an adult, indecency with or sexual assault of a child, family violence assault, aggravated robbery or robbery, burglary, theft, automobile theft, drug sale or manufacture, drug possession, felony D.W.I., and other felonies.

(B) Criminal case activity categories. The monthly report contains sections for reporting cases on docket, dispositions, supplemental information and additional court activity.

(C) Report of a request for a hate crime finding. This section of the monthly report requests information pursuant to Article 2.211 of the Code of Criminal Procedure.

(2) Civil Cases.

(A) Civil case type categories. The monthly report contains the following categories of civil cases: injury or damage—motor vehicle, injury or damage—medical malpractice, injury or damage—other professional malpractice, injury or damage—asbestos/silica product liability, injury or damage—other product liability, other injury or damage, real property—eminent domain, other real property, contract—consumer/commercial/debt, other contract, civil cases relating to criminal matters, all other civil cases, and tax cases.

(B) Civil case activity categories. The monthly report contains sections for reporting cases on docket, dispositions and additional court activity.

(3) Family Law Cases.

(A) Family law case type categories. The monthly report contains the following categories of family law cases: divorce—children, divorce—no children, parent/child—no divorce, child protective services, termination of parental rights, adoption, protective orders—no divorce, Title IV-D—paternity, Title IV-D—support order, Title IV-D—UIFSA, all other family law cases, and post-judgment actions for modification—custody, modification—other, enforcement, and Title IV-D.

(B) Family law case activity categories. The monthly report contains sections for reporting cases on docket, dispositions and additional court activity.

(4) Juvenile Cases.

(A) Juvenile case type categories. The monthly report contains a category for C.I.N.S. cases and the following categories of delinquent conduct cases: capital murder, murder, other homicides, aggravated assault or attempted murder, assault, indecency with a child or sexual assault, aggravated robbery or robbery, burglary, theft, automobile theft, felony drug offenses, misdemeanor drug offenses, D.W.I., contempt of court, and all other offenses.

(B) Juvenile case activity categories. The monthly report contains sections for reporting juvenile case activity for cases on docket, adjudications, dispositions and additional court activity.

(5) Probate and Guardianship Cases.

(A) Probate and guardianship case type categories. The monthly report contains the following categories for reporting probate and guardianship case types: decedents' estates (independent administration, dependent administration, and all other estate proceedings), guardianships (minor and adult), and other cases.

(B) Probate and guardianship activity categories. The monthly report contains activity report categories for cases on docket and additional information.

(6) Mental Health Cases.

(A) Mental health case type categories. The monthly report contains the following categories for reporting mental health cases: temporary mental health services, extended mental health services, modification—inpatient to outpatient, modification—outpatient to inpatient, and orders to authorize psychoactive medications.

(B) Mental health activity categories. The monthly report contains activity report categories for intake, hearings, and other information.

Source: The provisions of this §171.5 adopted to be effective June 18, 2008, 33 TexReg 4663.

1 TAC § 171.6

ADMINISTRATION

§ 171.6. Constitutional County Courts Reports

(a) Method. County clerks shall submit a court activity report of criminal, civil, juvenile, probate and guardianship, and mental health cases for each constitutional county court. Unless OCA grants a waiver for good cause, county clerks shall submit the reports by electronic means approved by the OCA. The maximum duration of a waiver is one year, but OCA may approve successive waivers.

(b) Reporting Categories.

(1) Criminal Cases.

(A) Criminal case type categories. The monthly report contains the following categories of misdemeanor case types: D.W.I.—first offense, D.W.I.—second offense, theft, theft by check, drug possession—marijuana, drug offenses—other, family violence assault, other assault, traffic, D.W.L.S./D.W.L.I., and other misdemeanor cases.

(B) Criminal case activity categories. The monthly report contains sections for reporting cases on docket, dispositions, supplemental information and additional court activity.

(C) Report of a request for a hate crime finding. This section of the monthly report requests information pursuant to Article 2.211 of the Code of Criminal Procedure.

(2) Civil Cases.

(A) Civil case type categories. The monthly report contains the following categories of civil cases: injury or damage—motor vehicle, other injury or damage, real property, contract—consumer/commercial/debt, contract—landlord/tenant, other contract, civil cases relating to criminal matters, and all other civil cases.

(B) Civil case activity categories. The monthly report contains sections for reporting cases on docket, dispositions and additional court activity.

(3) Juvenile Cases.

(A) Juvenile case type categories. The monthly report contains a category for C.I.N.S. cases and the following categories of delinquent conduct cases: capital murder, murder, other homicides, aggravated assault or attempted murder, assault, indecency with a child or sexual assault, aggravated robbery or robbery, burglary, theft, automobile theft, felony drug offenses, misdemeanor drug offenses, D.W.I., contempt of court, and all other offenses.

(B) Juvenile case activity categories. The monthly report contains sections for reporting cases on docket, adjudications, dispositions and additional court activity.

(4) Probate and Guardianship Cases.

(A) Probate and guardianship case type categories. The monthly report contains the following categories for reporting probate and guardianship case types: decedents' estates—dependent administration, decedents' estates—dependent administration, and all other decedents' estate proceedings, guardianships—minor, guardianships—adult, and other cases.

(B) Probate and guardianship activity categories. The monthly report contains activity report categories for cases on docket and additional information.

(5) Mental Health Cases.

(A) Mental health case type categories. The monthly report contains the following categories for reporting mental health cases: temporary mental health services, extended mental health services, modification—inpatient to outpatient, modification—outpatient to inpatient, and orders to authorize psychoactive medications.

(B) Mental health activity categories. The monthly report contains the activity report categories for intake, hearings, and other information.

Source: The provisions of this §171.6 adopted to be effective June 18, 2008, 33 TexReg 4663.

§ 171.7. Justice Court Reports

(a) Method. Each justice of the peace shall submit a justice court activity report of the criminal and civil cases in the judge's court. Unless OCA grants a waiver for good cause, the justice of the peace shall submit the reports by electronic means approved by OCA. The maximum duration of a waiver is one year, but OCA may approve successive waivers.

(b) Reporting Categories.

(1) Criminal case type categories. The monthly report contains the following categories of criminal case types: traffic misdemeanors—subdivided into non-parking, parking, and county ordinance offenses; and non-traffic misdemeanors—subdivided into Penal Code violations, other state law violations, and county ordinance violations.

(2) Civil case type categories. The monthly report contains the following categories of civil case types: debt claim, landlord/tenant, and small claims suits.

(3) Juvenile/minor activity. The monthly report contains a section for reporting court activity related to juveniles and minors.

(4) Additional activity. The monthly report contains a section for reporting additional court activity such as magistrate activities and information on

finer, court costs and fees collected or otherwise satisfied.

Source: The provisions of this §171.7 adopted to be effective January 7, 2010, 35 TexReg 62; amended to be effective September 1, 2013, 38 TexReg 4183.

§ 171.8. Municipal Court Reports

(a) Method. Each municipal court shall submit a municipal court activity report of the criminal and civil or administrative cases in the court. Unless OCA grants a waiver for good cause, the court shall submit the reports by electronic means approved by OCA. The maximum duration of a waiver is one year, but OCA may approve successive waivers.

(b) Reporting Categories.

(1) Criminal case type categories. The monthly report contains the following categories of criminal case types: traffic misdemeanors—subdivided into

non-parking, parking, and city ordinance offenses; and non-traffic misdemeanors—subdivided into Penal Code violations, other state law violations, and city ordinance violations.

(2) Civil/administrative case type category. The monthly report contains a civil/administrative case type category for civil or administrative cases.

(3) Juvenile/minor activity. The monthly report contains a section for reporting court activity related to juveniles and minors.

(4) Additional activity. The monthly report contains a section for reporting additional court activity such as magistrate activities and information on fines, court costs and fees collected or otherwise satisfied.

Source: The provisions of this §171.8 adopted to be effective January 7, 2010, 35 TexReg 62.

CHAPTER 173. INDIGENT DEFENSE GRANTS

SUBCHAPTER A. GENERAL FUNDING PROGRAM PROVISIONS

Section

- 173.101. Applicability.
- 173.102. Definitions.
- 173.103. Process for Submitting Applications for Grants.
- 173.104. Grant Resolutions.
- 173.105. Selection Process.
- 173.106. Grant Funding Decisions.
- 173.107. Discretionary Grant Acceptance.
- 173.108. Adoptions by Reference.
- 173.109. Use of the Internet.

SUBCHAPTER B. ELIGIBILITY AND FUNDING REQUIREMENTS

- 173.201. Eligibility.
- 173.202. Use of Funds.
- 173.203. Expenditure Categories.
- 173.204. Program Income.
- 173.205. Equipment.

SUBCHAPTER C. ADMINISTERING GRANTS

- 173.301. Grant Officials.
- 173.302. Obligating Funds.
- 173.303. Retention of Records.
- 173.304. Expenditure Reports.
- 173.305. Provision of Funds.
- 173.306. Discretionary Grant Adjustments.
- 173.307. Remedies for Noncompliance.
- 173.308. Term of Grant.
- 173.309. Violations of Laws.
- 173.310. Progress Reports for Discretionary Grants.
- 173.311. Contract Monitoring.

SUBCHAPTER D. MONITORING AND AUDITS

- 173.401. Fiscal Monitoring.
- 173.402. Audits Not Performed by the Texas Indigent Defense Commission.

SUBCHAPTER A. GENERAL FUNDING PROGRAM PROVISIONS

§ 173.101. Applicability

(a) The Texas Legislature authorized the Texas Indigent Defense Commission (Commission) to assist counties in providing indigent defense services in the county and distribute in the form of grants any funds appropriated for this purpose. It further authorized the Commission to monitor grants and enforce compliance by counties with grant terms. Subchapters A–D of this chapter apply to all indigent defense grants awarded to counties by the Commission. Subchapter A of this chapter covers the general provisions for funding. Subchapter B of this chapter addresses funding types, eligibility, and general provisions of grant funding. Subchapter C of this chapter sets out the rules related to administering grants. Subchapter D of this chapter specifies rules regarding fiscal and program monitoring and audits.

(b) Only counties in Texas are eligible to receive grants from the Commission.

(c) The Commission may distribute grants in accordance with its policies and based on official submissions and reports provided by the counties. These funds must be used to improve indigent defense systems in the county and are subject to all applicable conditions contained in this chapter.

Source: The provisions of this §173.101 adopted to be effective September 13, 2012, 37 TexReg 7083.

1 TAC § 174.28

ADMINISTRATION

(A) The policy monitor shall review the local indigent defense plans and determine if they include:

- (i) An attorney fee schedule;
- (ii) Procedures for paying attorneys, experts, and investigators in accordance with the fee schedule; and
- (iii) Procedures to reimburse expert and investigative expenses incurred without prior court approval when the expenses are reasonable and necessary.

(B) The policy monitor shall check for documentation indicating that the county has established a process for collecting and reporting itemized indigent defense expense and case information.

(d) Report.

(1) Report Issuance. The policy monitor shall issue a report to the program director within 30 days of the on-site monitoring visit to a county, unless a documented exception is provided by the director, with an alternative deadline provided, not later than 90 days from the on-site monitoring visit. The report shall contain each finding of noncompliance.

(2) County Response. Within 60 days of the date the report is issued by the policy monitor, the program director shall respond in writing to each finding of noncompliance, and shall describe the proposed corrective action to be taken by the county. The county may request the director to grant an extension of up to 60 days.

(3) Follow-up Visits. The policy monitor shall conduct an additional on-site visit to counties where the

report included significant noncompliance findings. The follow-up visit shall occur within 12 months following receipt of a county's response to the report. The policy monitor shall review a county's implementation of corrective actions and shall report to the county and Task Force any remaining issues not corrected. Within 30 days of the date the follow-up report is issued by the policy monitor, the program director shall respond in writing to each finding of noncompliance, and shall describe the proposed corrective action to be taken by the county. The county may request the director to grant an extension of up to 30 days.

(4) Failure to Respond to Report. If a county fails to respond to a monitoring report or follow-up report within the required time, then a certified letter will be sent to the program director, financial officer, county judge, local administrative district court judge, local administrative statutory county court judge, and chair of the juvenile board notifying them that all further payments will be withheld if no response to the report is received by the Task Force within 10 days of receipt of the letter. If funds are withheld under this section, then the funds will not be reinstated until the Task Force or the Policies and Standards Committee approves the release of the funds.

(5) Noncompliance. If a county fails to correct any noncompliance findings, the Task Force may impose a remedy under § 173.307 of this title.

Source: The provisions of this §174.28 adopted to be effective July 23, 2009, 34 TexReg 4731; amended to be effective June 30, 2010, 35 TexReg 5519.

CHAPTER 175. COLLECTION IMPROVEMENT PROGRAM

SUBCHAPTER A. GENERAL COLLECTION IMPROVEMENT PROGRAM PROVISIONS

Section

- 175.1. Source, Purpose and Scope.
- 175.2. Definitions.
- 175.3. Collection Improvement Program Components.
- 175.4. Content and Form of Local Government Reports.
- 175.5. Audit Standards.

SUBCHAPTER B. IMPLEMENTATION SCHEDULE AND WAIVERS

- 175.6. Implementation Schedule.
- 175.7. Waivers.

SUBCHAPTER A. GENERAL COLLECTION IMPROVEMENT PROGRAM PROVISIONS

§ 175.1. Source, Purpose and Scope

(a) The source is Article 103.0033 of the Code of Criminal Procedure.

(b) The purpose is to provide notice to counties and municipalities of the scope and components of the Collection Improvement Program and of the audit standards that will be used by the Office of Court Administration to determine program implementation.

(c) The Collection Improvement Program applies to criminal cases in which the defendant agrees to or is required to pay court costs, fees, and fines under a payment plan or extension rather than on the assessment date. Although the program can be utilized by a judge in virtually every criminal case to effectuate the judge's financial orders, it is not designed to influence the judicial determination of whether to order payment of costs, fees and fines, or otherwise to affect the sentencing or other disposition decision that is within the judge's discretion.

The program is simply designed to improve the collection of court costs, fees and fines that have been imposed, while helping defendants satisfy their obligations. The program is not intended to conflict with or undermine the provision to defendants of full procedural and substantive rights under the constitution and laws of this state and of the United States.

(d) Although the program focuses on collection of court costs, fees and fines, it should be implemented in the context of local, state and national efforts to develop and apply systemic policy to the competing financial obligations of people in the criminal justice system.

Source: The provisions of this §175.1 adopted to be effective December 19, 2007, 32 TexReg 9323; amended to be effective July 15, 2012, 37 TexReg 5113.

§ 175.2. Definitions

(a) "Assessment date" is the date on which a defendant becomes obligated to pay court costs, fees and fines. When a defendant remits partial payment of a citation without appearing in person, the assessment date is the date the partial payment was received.

(b) "Contact" means a documented attempt to reach a defendant.

(c) "Contact information" means the defendant's home address and home or primary contact telephone number; the defendant's employer's or source of support's name, address and telephone number; at least two personal references; and the date the information is obtained.

(d) "Designated counties" are those with a population of 50,000 or greater.

(e) "Designated municipalities" are those with a population of 100,000 or greater.

(f) "Eligible case" means a criminal case in which a judgment has been entered by a trial court. The term does not include a criminal case in which a defendant has been placed on deferred disposition; has elected to take a driving safety course; or is incarcerated, unless the defendant is released and payment is requested.

(g) "Jurisdiction" means a designated county or designated municipality that is subject to this chapter.

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

(i) "Collection Improvement Program" or "CIP" means the program described in this subchapter.

(j) "Payment ability information" means the defendant's account balances in financial institutions,

debt balances and payment amounts, and stated income.

(k) "Payment Plan" or "Extension" means a schedule of payment(s) to be made by a defendant who does not pay all court costs, fees and fines at the time they are assessed and payment is requested. A judge's order that payment is due at a future date constitutes a payment plan or extension.

(l) "Program" or "Local Program" means the collection program implemented by a jurisdiction.

Source: The provisions of this §175.2 adopted to be effective December 19, 2007, 32 TexReg 9323; amended to be effective July 15, 2012, 37 TexReg 5113.

§ 175.3. Collection Improvement Program Components

(a) Summary of CIP Components. The CIP has eleven components. Four components relate to the way a local program must be implemented, staffed, and operated. The other seven components relate to the way program staff communicates with defendants and documents those communications. In accordance with Article 103.0033(j), OCA will periodically audit counties and municipalities to confirm implementation of the components of the CIP; the audit standards are more fully described in § 175.5. In computing any period of time under these rules, when the last day of the period falls on a Saturday, Sunday, legal holiday, or other day on which the office is not open for business, then the period runs until the end of the next day on which the office is open for business.

(b) Components for Local Program Operations.

(1) Dedicated Program Staff. Each local program must designate at least one employee whose job description contains an essential job function of collection activities. The collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of an employee's time, but must be a priority.

(2) Payment Plan or Extension Compliance Monitoring. Program staff must monitor defendants' compliance with the terms of their payment plans or extensions and document the ongoing monitoring by either an updated payment due list or a manual or electronic tickler system.

(3) Delinquent Cases. Each local program must have a component designed to improve collection of balances more than 60 days past due.

(4) Proper Reporting. The program must report its collection activity data to OCA at least annually in

1 TAC § 175.3

a format approved by OCA, as described in § 175.4.

(c) Components for Defendant Communications.

(1) Application or Contact Information. For payment plans or extensions set by a judge, the defendant must provide or acknowledge contact information and program staff must document it. In other cases, the defendant must provide a signed or acknowledged application for extended payment that includes both contact information and payment ability information. Programs may use a single form for both contact information and payment ability information, and the required information must be obtained within one month of the assessment date.

(2) Verification of Contact Information. Within five days of receiving the data, program staff must verify both the home or contact telephone number and the employer or source of support, if applicable. Verification may be conducted by reviewing written proof of the contact information, by telephoning the contacts, or by using a verification service. Verification must be documented by identifying the person conducting it and the date.

(3) Defendant Interviews. Within 14 days of receiving an application or a judge-imposed payment plan or extension, program or court staff must conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or extension, or to review the terms of the judge-imposed payment plan or extension. Interviews must be documented by indicating the name of the interviewer and date of the interview.

(4) Specified Payment Terms.

(A) Documentation. Payment plans or extensions must be documented by notation in the judgment or court order, on a docket sheet, by written or electronic record, or by other means enabling later review.

(B) Payment Guidelines. Payment plans or extensions should require the highest payment amounts, and should require payment in full in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations to pay other court-mandated amounts, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

(C) Time Requirements. Time requirements for payment plans or extensions set by a judge are within judicial discretion. Payment plans or extensions set by program staff must meet the following time requirements:

(i) In municipal and justice court cases, full payment within four months of the assessment date.

(ii) In county and district court cases involving community supervision, full payment at least two months before expiration of the term of community supervision.

(iii) In county and district court cases not involving community supervision and not involving incarceration, full payment within six months of the assessment date.

(iv) Extension of the time requirements for payment in full may be allowed if a defendant has multiple cases.

(5) Telephone Contact for Past-Due Payments. Within one month of a missed payment, a telephone call must be made to a defendant who has not contacted the program staff. Telephone calls may be made by an automated system, but an electronic report or manual documentation of the telephone contact must be available on request.

(6) Mail Contact for Past-Due Payments. Within one month of a missed payment, a written delinquency notice must be sent to a defendant who has not contacted the program. Written notice may be sent by an automated system, but an electronic report or manual documentation of the mail contact must be available on request.

(7) Contact if Capias Pro Fine Sought. If a capias pro fine will be sought, the program must make another telephone call or send another written notice to the defendant within one month of the telephone call described in paragraph (5) of this subsection or the written delinquency notice described in paragraph (6) of this subsection, whichever is later. An electronic report or manual documentation of the contact must be available on request.

(d) Exceptions to Defendant Communications Rules. Exceptions to the defendant communications rules described in subsection (c) of this section are limited to those cases in which timely access to the defendant in order to obtain the required application or contact information is not possible, and efforts to obtain an application or contact information are documented, as provided in paragraphs (1) and (2) of this subsection.

(1) Attempt to Obtain Application or Contact Information. An attempt to obtain an application or contact information described in subsection (c)(1) of this section is made, either by mailing an application or contact information form or by obtaining the information via the telephone before a plea is made by the defendant or within 7 days of the court's

ADMINISTRATION

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acceptance of a plea. An electronic report or manual documentation of the attempt must be available on request. Should a completed application or contact information form not be returned by the defendant and the post office has not returned the application or contact information form as undeliverable, the program must make a second attempt to contact the defendant with any existing available information within one month of the first attempt. An electronic report or manual documentation of the second attempt must be made available on request.

(2) Application or Contact Information Is Obtained. Should a completed application or contact information form be returned to the program by a defendant as the result of an attempt described in paragraph (1) of this subsection, it will be considered timely and all other timing requirements for defendant communications described in subsection (c)(2) and (3) of this section are based on the later of the assessment date or the date the program receives the application or contact information form.

Source: The provisions of this §175.3 adopted to be effective December 19, 2007, 32 TexReg 9323; amended to be effective December 8, 2008, 33 TexReg 9971; amended to be effective July 15, 2012, 37 TexReg 5113.

§ 175.4. Content and Form of Local Government Reports

(a) General Scope. Article 103.0033(i) requires that each program submit a written report to OCA at least annually that includes updated information regarding the program, with the content and form to be determined by OCA. Reporting under Article 103.0033 and this subchapter is not the same as reporting of judicial statistics under Government Code § 71.035 and different rules for reporting and waiver apply.

(b) Reporting Format and Account Setup. OCA has implemented a web-based Online Collection Reporting System for program participants or jurisdictions to enter information into the system. For good cause shown by a jurisdiction, OCA may grant a temporary waiver from timely online reporting. Program participants or jurisdictions must provide OCA with information for the online reporting system to enable OCA to establish the program reporting system account. The information must include the program name, program start date, start-up costs, the type of collection and case management software programs used by the program, the entity to which the program reports (e.g., district clerk's office, sheriff, etc.), the name and title of the person who manages the daily operations of the program, the mail and e-mail addresses and telephone and fax

numbers of the program, the courts serviced by the program, and contact information for the program staff with access to the system so user identifications and passwords can be assigned.

(c) Content and Timing of Reports.

(1) Annual Report. By the 60th day following their fiscal year end, each program or jurisdiction must report the following information:

(A) Number of full-time and part-time collection program employees;

(B) Total program expenditures;

(C) Salary expenditures for the program;

(D) Fringe benefit expenditures for the program;

(E) Areas other than court collections for which the program provides services;

(F) Local and contract jail statistics and average cost per day to house a defendant; and

(G) A compilation of 12 months of the monthly reporting information described in paragraph (3) of this subsection, if not reported each month as requested.

(2) Additional information may be requested in the annual report on a voluntary basis.

(3) Monthly Reports. By the 20th day of the following month, each program or jurisdiction is requested to provide the following information regarding the previous month's program activities:

(A) Number of cases in which court costs, fees, and fines were assessed;

(B) For assessed court costs and fees: the dollar amount assessed and collected; the dollar amount of credit given for jail time served; the dollar amount of credit given for community service performed; the dollar amount waived because of indigent status, and the dollar amount waived for reasons other than indigency;

(C) For fines: the dollar amount assessed, collected, or waived; the dollar amount of credit given for jail time served; and the dollar amount of credit given for community service performed; and

(D) Aging information consisting of the time span from date of assessment through the date of payment, in 30-day increments up to 120 days, and for more than 120 days.

Source: The provisions of this §175.4 adopted to be effective December 19, 2007, 32 TexReg 9323; amended to be effective July 15, 2012, 37 TexReg 5113.

§ 175.5. Audit Standards

(a) Compliance Audits. In accordance with Article 103.0033(j), OCA must periodically audit juris-

1 TAC § 175.5

dictions to confirm compliance with the components described in § 175.3(b) and (c).

(b) Compliance Audit Methods. OCA must use random selection to generate an adequate sample of eligible cases to be audited, and must use the same sampling methodology as used for programs with similar automation capabilities.

(c) Compliance Audit Standards. OCA must use the following standards in the compliance audit:

(1) A county has met the requirements of § 175.3(b) when either 90 percent of all courts in the county, or all courts in the county except one court, have satisfied all four requirements. Partial percentages are rounded in favor of the county. A municipality must satisfy all four requirements of § 175.3(b).

(2) To be in substantial compliance with a component of § 175.3(c), the requirement must be met for at least 80% of the eligible cases at that stage of collection. To be in partial compliance with a component of § 175.3(c), the requirement must be met for at least 50% of the eligible cases at that stage of collection. For OCA to find a jurisdiction in compliance with the requirements of § 175.3(c), the jurisdiction cannot be in less than partial compliance with any component, may be in partial compliance with a maximum of one component, and must be in substantial compliance with all of the other applicable components.

Source: The provisions of this §175.5 adopted to be effective December 19, 2007, 32 TexReg 9323; amended to be effective July 15, 2012, 37 TexReg 5113.

SUBCHAPTER B. IMPLEMENTATION SCHEDULE AND WAIVERS

§ 175.6. Implementation Schedule

OCA has developed and published on its website a prioritized implementation schedule for jurisdictions.

CHAPTER 177. JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

Section

177.1. Definitions.

177.2. NIEM Conformance.

§ 177.1. Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Court—Any judge who hears criminal cases or child support cases, and the office of the clerk that supports any such judge.

ADMINISTRATION

Source: The provisions of this §175.6 adopted to be effective December 19, 2007, 32 TexReg 9323; amended to be effective July 15, 2012, 37 TexReg 5113.

§ 175.7. Waivers

(a) Statutory Basis. Article 103.0033 provides that OCA may determine that it is not cost-effective to implement a program in a county or municipality and grant a waiver to the requesting entity.

(b) Criteria for granting waivers. OCA will grant a blanket waiver from implementation when the requesting entity demonstrates that:

(1) The estimated costs of implementing the program are greater than the estimated additional revenue that would be generated by implementing the program; and

(2) A compelling reason exists for submitting the waiver request after the entity's published implementation deadline. The requesting entity and OCA program staff each must submit documentation supporting their cost and revenue projections to the administrative director for determination.

(c) Temporary waivers. OCA will consider a request to grant a temporary waiver for good cause that could not have been reasonably anticipated. Such temporary waivers may be granted after an audit to allow a program to correct deficiencies discovered during the audit.

Source: The provisions of this §175.7 adopted to be effective December 19, 2007, 32 TexReg 9323; amended to be effective July 15, 2012, 37 TexReg 5113.

(2) Information Exchange Package Document (IEPD)—A specification for a data exchange which defines a particular data exchange between participating domains. An IEPD is a complete definition of an Information Exchange Package; it is generally composed of schemas (for data exchange) and documentation (for understanding the business context and usage).

(3) Justice agency—The Texas Department of Criminal Justice (TDCJ), the Department of Public Safety (DPS), the Texas Youth Commission (TYC),

the Texas Juvenile Probation Commission (TJPC), the Office of Attorney General Child Support Division (OAG), the Office of Court Administration (OCA), the Department of Family and Protective Services (DFPS), any sheriff or local law enforcement agency that employs a peace officer as defined in art. 2.12, Code of Criminal Procedure, any community supervision and corrections department, any public defender office, any constable, any office of a county or district attorney or criminal district attorney, any private process server, and any agency that receives delinquent child support notifications from the Office of Attorney General Child Support Division or from a court.

(4) Justice information data exchanges—Exchanges of information pertaining to criminal, juvenile, and family law matters or cases.

(5) NIEM—The National Information Exchange Model, a reference model that is the result of a collaborative effort between the U.S. Department of Justice (DOJ) and the U.S. Department of Homeland Security (DHS) that extends the data exchange standards implemented by the DOJ Global Justice Information Sharing Initiative (the Global Justice XML

Data Model). Further information is available at www.niem.gov.

(6) Texas Path to NIEM—The local and state justice agency collaborative work project for implementing NIEM in Texas.

(7) XML—Extensible markup language.

Source: The provisions of this §177.1 adopted to be effective July 21, 2008, 33 TexReg 5693.

§ 177.2. NIEM Conformance

(a) Justice information data exchanges between courts or between a court and OCA shall conform with the IEPDs developed by Texas Path to NIEM.

(b) Justice agencies are encouraged to develop justice information systems whose data exchanges conform with the IEPDs developed by Texas Path to NIEM, and justice information data exchanges between justice agencies or between a court and a justice agency with such capabilities shall conform with those IEPDs.

(c) These standards apply to justice information data exchanges between systems whose development is initiated on or after September 1, 2009.

Source: The provisions of this §177.2 adopted to be effective July 21, 2008, 33 TexReg 5693.