



**280th Judicial District Court
Harris County, Texas**

ORDER

The Texas Supreme Court's filing rules state that "documents to which access is otherwise restricted by law or court order" must not be electronically filed. *See* TEX. R. CIV. P. 21 (f)(4). The rules also indicate that "[f]or good cause, a court may permit a party to file other documents in paper form in a particular case." *See* TEX. R. CIV. P. 21(f)(4)(C).

As the designated Harris County District Court giving preference to domestic violence cases this Court has a duty to "provide timely and efficient access to emergency protective orders and other court remedies for persons the court determines are victims of domestic violence." *See* TEX. GOV'T CODE §24.112. To ensure compliance with the Texas Family Code, the Texas Government Code, and the Texas Rules of Civil Procedure the Court makes the following

FINDINGS AND CONCLUSIONS:

1. An application for a protective order filed in Harris County is confidential and access to it is explicitly restricted by law. *See* TEX. FAM. CODE §82.010.
2. The Government Code requires the clerk of the court issuing an original or modified protective order to collect specific identifying information about each respondent for distribution to various law enforcement agencies. *See* TEX. GOV'T CODE § 411.042; TEX. FAM. CODE § 85.042.
3. Once the Court grants a request for confidentiality of contact and protected addresses made by a protected person or a member of the family or house hold of a protected person, the clerk must maintain a confidential record of the information for use *only* by the Court. *See* TEX. FAM. CODE § 85.007.
4. The plain language of the Rules of Civil Procedure indicates that protective orders, as "documents to which access is otherwise restricted by law or court

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Chris Daniel
District Clerk


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order," must not be filed electronically. See TEX. R. CIV. P. 21(f)(4)(C) & TEX. FAM. CODE § 82.010.

5. The Family Code prohibits charging an applicant a fee for filing a protective order and the Clerk may not assess fees for any services relating to a protective order, including, but not limited to motions to dismiss, modify, withdraw, certified copies, comparing copies of documents to originals, court reporters' records, or motions to transfer. See TEX. FAM. CODE § 81.002.
6. Except for a few select cases, parties electronically filing documents through the State's mandated electronic filing portal, must pay a set fee for each transaction.
7. Continuing to permit applicants for protective order to use the District Clerk's Free Fax Filing service would allow Harris County to remain in compliance with the Family Code and the Texas Rules of Civil Procedure and ensure confidential, timely and efficient access to Court resources.
8. Texas Rule of Civil Procedure 21c, entitled "Privacy Protection for Filed Documents," states that if a document containing unredacted sensitive data, is not electronically filed, the filing party must notify the Clerk "by including, on the upper left-hand side of the first page, the phrase: "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA." See TEX. R. CIV. P. 21c (d)(2).
9. Once the District Clerk is notified that a document contains unredacted sensitive data, the document must not be made available on the internet to anyone other than the parties and their attorneys, except through a public access terminal located in the courthouse." See TEX. R. CIV. P. 21c (f).

Accordingly, effective immediately, the Court **ORDERS** the Harris County District Clerk to ensure that 1) applications for protective orders and other pleadings assigned to the 280th District Court of Harris County, Texas have the option of filing court documents and pleadings by means of Free Fax and 2) documents filed in protective order cases are labeled in compliance with Rule 21c (d)(2).

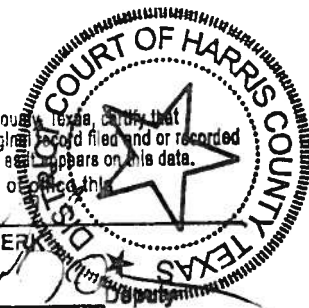
December 4, 2013
Date signed


Lynn Bradshaw-Hull
Judge, 280th District Court, Harris County, Texas

STATE OF TEXAS
COUNTY OF HARRIS

I, Chris Daniel, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this _____ day of _____, 2013.

CHRIS DANIEL, DISTRICT CLERK
HARRIS COUNTY, TEXAS



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