



**280<sup>th</sup> Judicial District Court  
Harris County, Texas**

**REVISED 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 IN REVISION OF THIS COURT'S ORDER SIGNED DECEMBER 4, 2013:**

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 Texas 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 household

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 Texas Rules of Civil Procedure indicates that protective orders, as “documents to which access is otherwise restricted by law or court order,” must **not** be filed electronically. *See* TEX. R. CIV. P. 21(f)(4)(C) & TEX. FAM. CODE § 82.010.
5. The Texas Family Code explicitly prohibits charging an applicant or an applicant’s attorney a fee for filing a protective order. Furthermore, 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. Despite this prohibition, the Harris County District Clerk and third party e-filing vendors are currently assessing fees against all applicants and applicant’s attorneys. Except for a few select cases, parties electronically filing documents through the State’s mandated electronic filing portal, must pay a non-refundable fee for each transaction.
7. Continuing to permit applicants for protective orders to use the District Clerk’s FREEfax filing service would allow Harris County to remain in compliance with the Texas Family Code and the Texas Rules of Civil Procedure, and ensure that applicants have timely, efficient, and confidential 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); and finally,

10. Forcing applicants for protective orders and their attorneys to use TexFile gives an unauthorized third-party vendor unfettered access to confidential documents which are unambiguously restricted by law and eliminates remote access by *pro se* applicants. Many *pro se* applicants, while not indigent, do not possess credit cards.
11. *Pro se* applicants (indigent or not) have been filing remotely since 2011 using FREEfax filing. As of January 1, 2014, *pro se* applicants must either mail documents or find transportation and child care to travel to downtown Houston to file paper documents in person. In emergency situations, mailing an application for a protective order is not a timely solution or consistent with this Court’s legislated mandate. See TEX. GOV’T CODE 24.112.

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 280<sup>th</sup> District Court of Harris County, Texas have the option of filing court documents and pleadings by means of FREEfax and 2) documents filed in protective order cases are labeled in compliance with Rule 21c (d)(2).

April 28, 2014  
Date signed

  
Lynn Bradshaw-Hull  
Judge, 280<sup>th</sup> District Court, Harris County, Texas