

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 9, 2021**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1365** by Clardy (relating to the procedure for transferring certain cases and proceedings between courts.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would direct the Office of Court Administration (OCA) to develop and make available a standardized transfer certificate and index of transferred document form for use in certain transfers and proceedings under certain Family Code or Government Code provisions. The bill would require OCA to develop and make available all forms and materials required by Government Code Section 72.037 as soon as practicable.

The bill would amend the Family Code to require the clerk of a court transferring certain proceedings to use the electronic filing system established by Government Code Section 72.031 for the transfer. The bill would require the clerk of the transferee court to accept the documents transferred, docket the suit, and notify via the electronic filing system all appropriate persons that the suit has been docketed. The bill would require the transferee clerk to physically or electronically mark or stamp the transfer certificate and index to evidence the date and time of acceptance but prevents the clerk from marking or stamping any other received document.

The bill would amend the Government Code to require a clerk of a district court transferring a case to a county court to use the electronic filing system established by Government Code Section 72.031 for the transfer and to send a transfer certificate and index of transferred documents as well as a copy of the transfer order and a copy of all documents required for transfer under the rules adopted by OCA. The bill would require the clerk of the transferring court to use the standardized transfer certificate and index of transferred documents form created by OCA. The bill would require the transferee clerk to physically or electronically mark or stamp the transfer certificate and index to evidence the date and time of acceptance but prevents the clerk from marking or stamping any other received document.

The bill would amend the Government Code to require a clerk of a county court transferring a case to a district court to use the the electronic filing system established by Section 72.031 and to send a transfer certificate and index of transferred documents as well as a copy of the transfer order and a copy of all documents required for transfer under the rules adopted by OCA. The bill would require the transferring court to use the standardized transfer certificate and index of transferred documents form created by OCA. The bill would require the transferee clerk to physically or electronically mark or stamp the transfer certificate and index to evidence the date and time of acceptance but prevents the clerk from marking or stamping any other received document.

The bill would require OCA to adopt rules prescribing the documents to be transferred between courts when a case or proceeding transfer is ordered under certain Family Code or Government Code provisions.

Based on information provided by OCA, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated as a result of the provisions of the bill.

**Local Government Impact**

The Texas Association of Counties does not anticipate a significant fiscal impact to counties.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, SLE, BH, MW, AF