

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 10- 9062


ORDER ADOPTING TEXAS RULE OF CIVIL PROCEDURE 78a

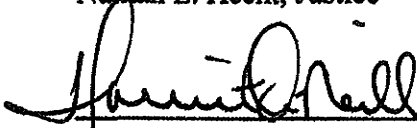
ORDERED that:

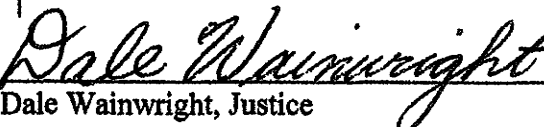
1. Pursuant to section 22.004 of the Texas Government Code, the Supreme Court of Texas promulgates Rule 78a of the Texas Rules of Civil Procedure as follows.
2. Rule 78a, with any modifications made after public comments are received, takes effect September 1, 2010. Comments may be submitted to the Supreme Court of Texas in writing on or before August 2, 2010. Comments should be directed to Kennon L. Peterson, Rules Attorney, at P.O. Box 12248, Austin, TX 78711, or kennon.peterson@courts.state.tx.us.
3. The Supreme Court of Texas also promulgates the attached civil case information sheet, as approved by the Texas Judicial Council, to be used pursuant to Rule 78a.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of the Order for publication in the *Texas Register*.

SIGNED this 3rd day of May, 2010.


Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice



Harriet O'Neill, Justice

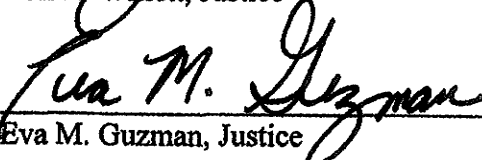

Dale Wainwright, Justice

David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice

Rule 78a. Case Information Sheet

- (a) *Requirement.* A civil case information sheet, in the form promulgated by the Supreme Court of Texas, must accompany the filing of:
 - (1) an original petition; and
 - (2) a post-judgment motion for modification or enforcement in a case arising under the Family Code.
- (b) *Signature.* The civil case information sheet must be signed by the attorney for the party filing the pleading or by the party.
- (c) *Enforcement.* The court and clerk must take appropriate measures to enforce this rule. But the clerk may not reject a pleading because the pleading is not accompanied by a civil case information sheet.
- (d) *Limitation on Use.* The civil case information sheet is for data collection for statistical and administrative purposes and does not affect any substantive right.

Comment: Rule 78a is added to require the submission of a civil case information sheet to collect data for statistical and administrative purposes, *see, e.g.*, TEX. GOV'T CODE § 71.035. A civil case information sheet is not a pleading. Rule 78a is placed with other rules regarding pleadings because civil cover sheets must accompany pleadings.

Instructions for Completing the Texas Civil Case Information Sheet

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment motion for modification or enforcement is filed in a family law case. The information should be the best available at the time of filing. If the original petition, application or post-judgment motion is e-filed, the case information sheet must not be the lead document.

This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

The attorney or self-represented (*pro se*) plaintiff/petitioner filing the case or post-judgment motion should complete the sheet as follows:

1. Contact information

a) Contact information for person completing case information sheet. Enter the following information:

- name;
- address;
- city, state, and zip code;
- email address;
- telephone number;
- fax number, if available;
- State Bar number, if the person is an attorney; and
- signature.

b) Names of parties in the case. Enter the name(s) of the:

- plaintiff(s) or petitioner(s);
- defendant(s) or respondent(s); and
- in child support cases, additional parties in the case, including the:
 - custodial parent;
 - non-custodial parent; and
 - presumed father.

Attach an additional page as necessary to list all parties.

c) Person or entity completing sheet is. Indicate whether the person completing the sheet, or the entity for which the sheet is being completed, is:

- an attorney for the plaintiff or petitioner;
- a *pro se* (self-represented) plaintiff or petitioner;
- the Title IV-D agency; or
- other (provide name of person or entity).

2. Case type.

Select the case category that best reflects the most important issue in the case. You must select only one.

3. Procedure or remedy.

If applicable, select any of the available procedures or remedies being sought in the case. You may select more than one.