

FREQUENTLY ASKED QUESTIONS REGARDING E-FILING

EMERGENCY ACTIONS

1. Must emergency actions such as applications for temporary administration, temporary guardianship, and temporary restraining orders be filed electronically?

Yes, pleadings seeking emergency relief must be filed electronically. However, it might be convenient to file such pleadings using the clerk's kiosk which is located in the clerk's office, on the 8th floor of the Civil Court's Building. Doing so may enable to you to walk such emergency action directly to the appropriate court for immediate consideration. If you wish to file your temporary action remotely, please call the clerk's office to alert them to the fact that such emergency action has been filed and let them know when you plan to arrive so that such pleadings may be printed and walked through the appropriate court.

PROBATE ADMINISTRATIONS

2. How and when should an original will be filed?

The original will should be filed with the Harris County Clerk within three business days of the electronic filing of the application for such will's probate. The probate courts will not allow you to schedule a hearing on the application to probate the will until the original has been submitted.

3. With regard to an application to probate a lost will or will not produced in court, must a physical copy of such will be filed with the clerk?

Yes. If an application to probate a lost will or a will not produced in court is being electronically filed along with a copy of such lost will, the document which will ultimately be proved up and establish the contents of such lost will (usually a copy of the original will, a conformed copy of such will, or sometimes even a copy of a spouse's reciprocal will) must be filed with Harris County Clerk within three business days of the electronic filing of the application for probate of a lost will or will not produced in court.

4. Should the electronically filed application to probate a will be accompanied by a copy of the original will?

Yes. The application to probate a will cannot be posted unless a copy of the will is filed with the application. In addition, the clerk will use the electronically filed copy of the will to confirm that the subsequently filed original will belongs with the filed application. However, an application to probate a will which is not accompanied by a copy of the will should not be rejected by the clerk.

5. When will the Harris County Clerk Post the Application for Probate of Will?

The clerk will post the application to probate will when the application is filed so long as such application is accompanied by a copy of the will. If the application to probate will is not accompanied by a copy of the will, such application will not be posted until the original will is subsequently filed.

6. When and how should waivers, renunciations, consents, designations of resident agents be filed if not filed with the original application for probate?

These documents shall be filed with the clerk no later than three days before the scheduled hearing date. Otherwise, such documents may be filed with the judge at the hearing. The original documents should be maintained in the attorney's file and available to be produced upon request. See also the answer to question 11.

7. When and how should the oath be signed?

The oath may be signed on the date of the hearing after the appointment of the applicant. If the oath must be filed after the hearing, such oath may be electronically filed. The original oath should be maintained in the attorney's file and available to be produced upon request.

8. May a document be electronically filed without a signature so long as it contains the name of the signatory along with "/S/" on the signature line?

If the document is notarized or sworn, it is considered filed only if it contains an electronic image or scanned image of the signatory's signature. Otherwise, it is considered filed if it contains the name of the signatory along with "/S/" placed on the signature line.

9. Who must file pleadings electronically?

Attorneys must file pleadings electronically. Unrepresented persons may file pleadings electronically with the clerk or via the traditional method.

GUARDIANSHIP

10. Will the court continue to accept certain documents related to guardianship using the traditional methods?

Yes, the courts will continue to accept the following documents, as such documents are not required to be filed electronically: guardianship referral letters, APS reports, and annual reports on the wellbeing of incapacitated persons.

UNCONTESTED PROBATE HEARINGS

11. How does electronic filing affect the attorney's presentation at a hearing on uncontested probate matters?

It should not. The following original documents shall be presented on the date of the hearing in an uncontested probate matter to the judge: Order Probating Will or Appointing Administrator, Proof of Death and Other Facts, Judgment Declaring Heirship, Statement of Facts, Renunciation of Right to Letters Testamentary, Designation of Resident Agent, Waiver of Right to Service of Citation, and Consent to Appointment or Independent Administration. Of course, you may continue to e-file such documents, and we encourage you to do so; but, please be prepared to present the original on the date of the hearing.

ACCOUNTINGS

12. How should accountings in probate and guardianship matters be filed?

Annual and Final Accountings in guardianship and estate matters must be electronically filed, scrubbed of all sensitive data (see page 6 of TRCP 21c), save and except the last three digits of account numbers. All pertinent financial statements, check copies, or other backup documentation supporting an annual or final accounting shall be attached to the accounting and filed with the Harris County Clerk, with sensitive data redacted as described above. Accountings with schedules or exhibits referenced in the body of the accounting and redacted per TRCP 21c shall be accepted by the Harris County Clerk. The unredacted, original verification of funds should be delivered directly to the auditor of the appropriate probate court.

BONDS, CITATIONS, AND SUBPOENAS.

13. How should bonds, citations, and subpoenas be presented to the clerk?

All original bonds, citations, and subpoenas must be filed with the Harris County Clerk.

ELECTRONIC FILING GENERALLY

14. How does electronic filing work?

Attorneys select an electronic filing service provider (a list of providers is set out herein). They log on to the provider's website, set up an account, and follow instructions regarding how to upload documents for delivery to the court clerk. The service provider checks submissions for completeness and calculates fees and court costs. The service provider then delivers the documents to the county clerk, where they are processed and accepted or rejected. Accepted documents are marked with an electronic timestamp and the filer is notified of the document's acceptance.

15. May I electronically file documents in the clerk's office?

Yes, the Harris County Clerk hosts a kiosk located on the 8th floor of the Civil Courts Building and you may scan and electronically file documents at such kiosk.

16. Who are the electronic filing service providers and how should I compare them?

The following service providers offer filing services in Harris County: efile.txcourts.gov (formerly TexFile); courtfileamerica.com; filetime.com; idocket.com; elawservices.com; fileandservexpress.com; myfilerunner.com; and prodocefile.com. You may compare their services by visiting the following link: <http://www.efiletexas.gov/service-providers.htm>.

17. When I try to file a document, an error message states that the docket number cannot be located but it gives me the option to file anyway. Should I proceed with the filing?

Yes. At this point, the clerk's database is not synchronized with the document filing portal. So, when the document is electronically filed, the clerk will assign a cause number. The clerk's office reports that this issue is being addressed by the clerk's database developer and will be resolved.

18. When filing a motion and an order electronically, should both be filed as one document?

The motion and order should be filed as one document or the order may be filed as an attachment to the motion. This will help keep the register of actions streamlined so the same order does not appear multiple times.