Supplemental Instructions for Self-Represented (*Pro Se*) Litigants
Civil Case Information Sheet

There are many kinds of **Civil Cases**. **Civil Cases** are the cases in court that are **not** about breaking a criminal law. Some examples are cases about contracts, damage to property, someone getting hurt, family matters (divorce, child support or custody, name changes), renting or leasing a place, and cases about taking care of people and their personal affairs (such as using a will to transfer property after someone dies or setting up guardianships to take care of people who cannot take care of themselves).

These Supplemental Instructions are provided to explain some of the terms that are used on the Civil Case Information Sheet and help you decide what kind of **Civil Case** you are filing. The definitions below are grouped according to the sections on the Sheet. **These definitions do not take the place of advice from a lawyer – it is always best to ask a lawyer for advice when you have a legal problem.**

Names of parties in case

Plaintiff: A person who brings an action; the party who complains or sues in a civil case.

Petitioner: In some kinds of cases, the person who files the case. In a family law case, this is the person who starts the case by filing the first court papers.

Defendant: In a civil case, the person or organization sued by the plaintiff.

Respondent: The responding party when someone files a petition.

Custodial Parent: The parent who has the right to decide where the child lives.

Noncustodial Parent: The parent who does not have the right to decide where the child lives.

Presumed Father: A man who was married to a child's mother when the child was born.

Person or entity completing sheet

***Pro Se*:** Refers to persons who present their own cases in court without a lawyer; from the Latin for "on one's own behalf." Also referred to as "self-represented litigants." If you are the person filling out the Civil Case Information Sheet and you do not have a lawyer, check this box.

Title IV-D Agency: The Office of the Attorney General is the official child support enforcement agency for the State of Texas, also called the "Title IV-D Agency." It asks the court to make child support orders and then goes to court again when it is necessary

to enforce or change the orders. (Note: this definition is provided for information only. If you are representing yourself and you are the person completing the Civil Case Information Sheet, do not check the "Title IV-D Agency" box.)

Indicate case type, or identify the most important issue in the case

You must select only one case type or issue on the Sheet. There are 3 main kinds of cases on the Sheet: **Civil, Family Law, and Probate and Mental Health**. Under each of these 3 types, there are several kinds of cases. The list of definitions below will help you decide which kind of case you are filing. Some of the cases filed most often, and where they are located on the Sheet, are:

If you are filing to:	Check this case type or issue on the Sheet:
Divorce, no children	Family Law → Marriage Relationship → Divorce, No Children
Enforce child support	Family Law → Post-judgment Actions (non-IV-D) → Enforcement
Change child support	Family Law → Post-judgment Actions (non-IV-D) → Modification - Other
Appeal an eviction	Civil → Contract → Landlord/Tenant
Change your name	Family Law → Other Family Law → Name Change

Civil – Contract

Contract cases involve disputes over an agreement between two or more parties.

Consumer/DTPA: A lawsuit brought under the Texas Deceptive Trade Practices Act, which protects persons who seek, buy, or lease goods or services against false and misleading business practices.

Contract: (1) An agreement between 2 or more people to do or not to do a particular thing; (2) an agreement between 2 or more people that makes, changes, or ends a legal relationship.

Debt: An amount owed by one person or entity to another.

Fraud: Deceiving someone on purpose in a way that financially hurts others.

Misrepresentation: A false or misleading statement about something, usually made with the intent to deceive. A statement that is not supported by the facts.

Foreclosure: A proceeding by a creditor to take back a home or land.

Home Equity – Expedited: A lawsuit asking a court to allow foreclosure of a home equity loan or reverse mortgage. The lawsuit is filed under Rule 736 of the Texas Rules of Civil Procedure.

Franchise: A right granted to a person or group to sell a company's goods or services within a certain territory. Some of today's popular franchises are McDonald's and Domino's Pizza. A franchise is usually contained in a **contract**.

Insurance: A **contract** between an insurance company and a person or group which provides for a money payment when a loss, accident, or death occurs.

Landlord/Tenant: A **landlord** is a business or person who owns a rental unit, and who rents or leases the rental unit to another person, called a **tenant**.

Non-Competition: A **contract** that keeps a person or company from working in a place or type of business for a certain amount of time.

Partnership: A type of business where 2 or more persons agree to pool their talent and money and share profits or losses.

Civil – Injury or Damage

Injury or Damage cases are cases claiming that a person, their reputation, or their property was injured or wronged by someone who either did something that he was not supposed to do or failed to do something that he should have done.

Assault: When someone tries or threatens to hurt another person. Can include violence but is different from **battery**.

Battery: Illegal beating or physical violence or control of a person without their permission. (Compare with **assault.**)

Construction: Choose this if the main issue in the case is (1) you were injured in connection with a construction accident, or (2) you were injured as the result of poor construction of a building.

Defamation: When one person hurts another person's character, fame, or reputation by making false statements.

Malpractice: The delivery of poor quality services or care by an accountant (**accounting**), lawyer (**legal**), doctor (**medical**), or other professional, with the result that the client or patient is harmed.

Motor Vehicle Accident: When a person or property is hurt because of an accident involving a car, truck, or other vehicle.

Premises: A lawsuit against the owner of land or the improvements on it, including a building, store, apartment, or other structure, which claims that a person or group of people were hurt or damaged by the condition of the land or improvements.

Product Liability: A lawsuit against the maker of a product which claims that a person or group of people were hurt or damaged by a product that was defective or not suitable for the use it was advertised for. **Asbestos/Silica product liability** lawsuits are filed on behalf of people who are sick due to exposure to asbestos or silica.

Civil – Real Property

Real Property cases involve disputes over the ownership, use, boundaries, or value of land, buildings and anything else attached to the land; also called "real estate."

Eminent Domain/Condemnation: The right of the state or another government to take private property for public use after giving fair compensation to the owner.

Partition: To divide real property owned by 2 or more people into separate parts.

Quiet Title: A case in which the ownership of real property is in dispute, and the court must decide who owns (or has title to) the property. To "quiet title" is to declare that a certain person is the legal owner of the real property in dispute.

Trespass to Try Title: A type of lawsuit used to determine who owns land or other real property.

Civil – Related to Criminal Matters

These cases are filed in relation to a criminal case or matter.

Expunction: A request for a court order requiring arrest records and other criminal records to be destroyed or removed from files.

Judgment Nisi: A judgment entered when a defendant in a criminal case is out on bail but fails to appear for trial. A **judgment nisi** triggers the issuance of a *capias (*arrest warrant*)* and it serves as notice of the start of a bond forfeiture proceeding.

Non-Disclosure: A request by a person who was placed on deferred adjudication for a criminal offense and then received a discharge and dismissal. The request is for a court order telling criminal justice agencies that they cannot release to the public criminal history record information about the offense.

Seizure/Forfeiture: A case in which property used in a crime or money gained from a crime is taken and, after a hearing, becomes the property of the state.

Writ of Habeas Corpus – Pre-indictment: Used before a person is indicted to bring the person before a judge to decide whether the person is being unlawfully denied his or her freedom. The term comes from Latin.

Civil – Employment

Employment cases involve a dispute between an employer and employee over the conditions, terms or termination of employment.

Discrimination: When an employer treats one employee different from another employee because of the person's color, sex, race, religion, disability, or national origin.

Retaliation: When an employer punishes an employee or former employee by, for example, firing, demoting, or disciplining him/her because he/she opposed or reported discrimination.

Termination: When an employee's employment is ended against his or her will.

Workers' Compensation: A state-regulated insurance program that pays injured workers' medical bills and replaces part of their lost wages if they were injured at work or have a work-related illness and their employer has workers' compensation insurance.

Civil – Other Civil

Administrative Appeal: A case asking the court to decide that a decision made by an administrative agency is wrong. Many administrative appeals are filed under the Administrative Procedure Act, found in Chapter 2001 of the Texas Government Code, which requires certain steps before filing an appeal.

Antitrust/Unfair Competition: Antitrust laws are federal and state laws created to regulate trade and commerce by preventing price-fixing, monopolies, and unlawful restraints. **Unfair Competition** is commercial behavior or activity that is legally unjust or deceptive. It includes such things as trademark infringement, false advertising, and theft of trade secrets.

Code Violations: When a person or business violates a city's or county's rules about such things as construction, health, or safety.

Foreign Judgment: A judgment from another state or country.

Intellectual Property: Property from original thought that can be protected by law by, for example, a patent or copyright.

Lawyer Discipline: A case filed by the State Bar's Chief Disciplinary Counsel asking the court to decide that an attorney has acted unethically.

Perpetuate Testimony: A petition asking the court to let the petitioner take someone's deposition for use in a lawsuit that has not yet been filed.

Securities/Stock: Financial instruments (documents) that can be bought and sold on the open market.

Tortious Interference: When one person or company causes another person or company to breach a contract or prevents them from getting a contract.

Family Law – Marriage Relationship

Annulment: A legal action that says a marriage is not legally valid because of being underage, being under the influence of alcohol or drugs, impotence, fraud, force, mental incapacity, a hidden divorce, or not waiting 72 hours after getting a marriage license.

Declare Marriage Void: A legal action that says a marriage was void (never valid) because the parties are too closely related to each other, one party was already married to someone else, one party was younger than 16 and did not get a court order before the marriage, or one party was a stepchild or stepparent of the other.

Family Law – Post-judgment Actions (non-Title IV-D)

Remember that Title IV-D cases are filed only by the Office of the Attorney General, so if you are representing yourself, the case or petition you are filing is **non-Title IV-D.**

Enforcement: To take legal steps to make sure someone follows an order or judgment. For example, if the main issue in the case is making sure someone complies with an order to pay child support, choose this issue.

Modification – Custody: A change to the last court order that sets out where a child lives and with whom and when he or she visits. In Texas, **custody** is also called "conservatorship."

Modification – Other: A change to court order other than a custody order, such as a child support order.

Family Law – Title IV-D

If you are representing yourself, do not choose any of the issues in this section. Remember that **Title IV-D** cases are filed only by the Office of the Attorney General.

Family Law – Other Family Law

Enforce Foreign Judgment: To take steps to make sure someone follows a family law judgment from another state or country.

Habeas Corpus: A remedy to have a child immediately returned from someone who does not have a right to possess the child.

Protective Order: A court order which is meant to protect a person from another person.

Removal of Disabilities of Minority: A court action that gives a self-supporting child who is 17 or older, or at least 16 and living apart from his or her parents, many of the rights of an adult.

Family Law – Parent-Child Relationship

Adoption/Adoption with Termination: The way to make the relationship between a parent and child legal when they are not related by blood. It may involve terminating, or removing, the child's natural parents as the persons responsible for the care and control of the child.

Child Protection: A case filed by Child Protective Services (CPS), which is part of the Texas Department of Family Protective Services. CPS may say that a child is not safe and should be removed from his or her home. These cases may involve termination of parental rights.

Child Support: A case filed to get a court order for child support.

Custody or Visitation: A case filed to get a court order stating each parents' rights and duties regarding their child. In Texas, **custody** is also called "conservatorship."

Gestational Parenting: A case filed to get a court order saying that intended parents of a child born to another woman under a "gestational agreement" are the child's parents. A "gestational agreement" is an agreement between intended parents and the "gestational mother" – the woman who gives birth to a child conceived under the agreement, and it must be approved by the court before the gestational mother becomes pregnant.

Grandparent Access: A case filed by a grandparent to request possession of or access to a grandchild.

Paternity/Parentage: A case filed to establish the identity and responsibilities of the father of a child.

Termination of Parental Rights: A case filed to request that the court terminate, or remove, a child's natural parent(s) as the persons responsible for the care and control of the child. This may involve a parent agreeing to give up his or her rights. If the case also involves a request for adoption, select **Adoption/Adoption with Termination**.

Tax

Tax Appraisal: The estimate of how much property such as a home is worth; it is used to determine the amount of taxes owed. Choose this issue if the case is an appeal from the order of a county property tax appraisal review board.

Tax Delinquency: The amount of taxes that have not been paid. This type of case is filed only by a governmental taxing body to collect the unpaid taxes.

Probate & Mental Health

There are several kinds of probate cases. One involves taking care of the property left by a person who has died with or without a will (called "estate administration"). Other probate cases involve guardianships and trusts. For other kinds of cases, see Other Estate Proceedings below.

Dependent Administration: A process used to take care of the property left by a person who dies (the "estate"). The court approves a person or entity to be the executor or administrator who must get court approval before he or she can sell any estate property, pay the debts and taxes, and distribute the remaining property to the people who inherited it. Includes requests to appoint a temporary administrator.

Independent Administration: Another type of administration of a dead person's estate. After the court approves an independent executor or administrator, and that person files an inventory of the estate property, the independent executor or administrator can then pay the debts and taxes and distribute the remaining property to the people who inherited it without the court being involved.

Other Estate Proceedings: Other cases involving the handling or transfer of property due to the death of a person. Examples include requests for a court order to open a lock box, determination of heirship, sale of a minor's interest in property, requests to force delivery of a will, deposits of a will, and muniment of title proceedings (proceedings where the will is filed to transfer ownership of real estate, without a deed or full estate administration, to the persons named in the will to receive it).

Guardianship – Adult: When a court transfers some or all of the health care and business decision-making of an incompetent or mentally disabled person to another person or an entity, called the "guardian."

Guardianship – Minor: When a court appoints a person (the guardian) to take care of a child and/or manage property owned by the child.

Mental Health: When someone asks a court to commit a mentally ill or addicted person to a treatment facility.

Indicate procedure or remedy, if applicable.

You may pick more than 1 procedure or remedy.

Appeal from Municipal or Justice Court: When someone who loses a case in a municipal (city) court or justice of the peace court asks a higher court to review the decision and say it was wrong. This is called "to appeal" or "to take an appeal."

Arbitration-related: In arbitration, a neutral person called an **arbitrator** hears arguments, reviews evidence and makes a decision. This is different from mediation, where the parties, not the mediator, make the decisions.

Attachment: A way to collect a judgment by getting a court order that allows a piece of property to be taken.

Bill of Review: A way to attack a judgment. It is filed in the same court that made the first judgment. It is not an **appeal**, which would be filed in a higher court.

Certiorari: An order by a higher court ("appellate court") granting or denying a review of judgment.

Class Action: A lawsuit in which a large number of people with similar legal claims join together in a group ("the class") to sue someone.

Declaratory Judgment: A lawsuit in which the person suing asks the court to tell the parties what their rights and responsibilities are without awarding damages or ordering them to do anything.

Garnishment: A legal process that allows part of a person's wages and/or property to be held back for payment of a debt.

Interpleader: A lawsuit filed by someone who holds something that 2 or more people claim as theirs. The purpose of the lawsuit is to settle the dispute.

License: A petition by a person with a suspended driver's license asking for an occupational driver's license. The person must show he or she does not have access to public transportation and needs to drive to work or school or for essential household duties.

Mandamus: Latin for “we command.” A writ of mandamus is a court order that requires another court, government official, corporation, or individual to perform a certain act.

Post-judgment: A lawsuit or petition filed after a judgment is issued. “Post” means "after."

Prejudgment Remedy: A way for a creditor to secure money or property involved in a lawsuit before there is a final judgment. The most common **prejudgment remedies** are garnishment, sequestration, and attachment. They are often used when there is a danger that a debtor will not have the money or property by the time the lawsuit is decided and there is a final judgment.

Protective Order: A court order which is meant to protect a person from another person.

Receiver: In a lawsuit, a neutral person appointed by a judge to take charge of the property and business of a party to the lawsuit while the lawsuit is being decided.

Sequestration: A process which orders that property be taken and kept by a designated official to preserve it until a lawsuit about the property has been decided.

Temporary Restraining Order (TRO): A court order, sometimes called a "**TRO**," that says a person must not do certain things that are likely to cause harm that cannot be fixed. Unlike an injunction, it is often granted immediately, without notice to the opposing party and without a hearing. It is intended to last only until a hearing can be held.

Injunction: A court order requiring a person to do something or to stop doing something.

Turnover: A process in which a court issues an order requiring someone who owes money under a court judgment to turn over money or specified property to satisfy the judgment.