

BILL ANALYSIS

C.S.H.B. 4424
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A domestic relations office is governed by Chapter 203 of the Family Code, which authorizes county governments to provide services for families, courts, and county departments at county expense. These offices assist district courts and families in the areas of child support, visitation, medical support, custody evaluations, adoptions, and a variety of other functions that support district courts.

The domestic relations office receives funding through the collection of a fee by the clerk of a court at the time a suit is filed. There is a difference of opinion among district clerks as to the definition of a "suit," which has resulted in uneven application of the fee collection authority among counties. For example, one county assesses the fee only on the filing of an original suit while another county assesses the fee on the filing of an original suit and the modification of an original suit. Some counties assess the fee on an original suit, a modification, and a motion for enforcement.

C.S.H.B. 4424 clarifies that domestic relations office fees are limited to operations or service fees and are to be collected at the time of the original suit, motion for modification, or motion for enforcement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4424 amends the Family Code to clarify that fees collected by the clerk of a court based on the adoption of an operations fee or a child support service fee by the administering agency of a domestic relations office are collected as operations or service fees and required to be collected at the time of the original suit, motion for modification, or motion for enforcement. The bill clarifies that the operations and service fees are not filing fees for purposes of certain fees collected by court clerks and requires the fees to be collected for each original suit, motion for modification, or motion for enforcement.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 4424 is a Texas Legislative Council drafted version of the original bill. In addition, C.S.H.B. 4424 adds clarifying language in Sec. 203.005(a), Family Code that mirrors the changes made to Sec. 110.006 so that there is no ambiguity as to which actions the fees apply.