

CHAPTER 124**H.B. No. 1011**

An Act relating to the Bexar County Child Support Services Department and to legal services and child support collection fees in Bexar County.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1(d), Chapter 1090, Acts of the 68th Legislature, Regular Session, 1983 (Article 5142a-4, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) To provide supplemental funding for legal services, the commissioners court may provide by order for the collection of an additional fee in an amount set by the commissioners court not to exceed \$15 on the filing of each suit for dissolution of a marriage, ~~and~~ each suit affecting the parent-child relationship, each petition for further action regarding a child, and each motion to modify a decree in a suit affecting the parent-child relationship; except that only one fee under this subsection may be collected on the filing of a petition in which a suit affecting the parent-child relationship and a suit for the dissolution of a marriage are joined in a single suit.

SECTION 2. Sections 2 and 3, Chapter 1090, Acts of the 68th Legislature, Regular Session, 1983 (Article 5142a-4, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2. CHILD SUPPORT SERVICES FEE. The commissioners court may provide by order for the collection of a child support services fee in an amount set by the commissioners court not to exceed \$36 payable on the filing in the county of each suit for the dissolution of a marriage, where said suit affects the parent-child relationship; and each petition for further action regarding a child, and each motion to modify a decree in a suit affecting the parent-child relationship; except that only one fee under this subsection may be collected on the filing of a

petition in which a suit affecting the parent-child relationship and a suit for the dissolution of a marriage are joined in a single suit [~~\$3 per month. The fee shall be assessed against each person who is ordered to pay child support through the child support registry of the juvenile probation department. The registry shall collect the fee annually in advance. The fee is due on the date that under the court order the payor is to commence the child support payments and annually on the anniversary of that date. The court may assess the fee against the payor or the payee or may specifically waive the fee as to a particular payor or payee. If the order does not assess the fee against a particular person, the fee shall be taxed against the payor.~~].

Sec. 3. GENERAL PROVISIONS. (a) [~~If a person fails or refuses to pay a fee authorized by this Act, the person may be held in contempt of court.~~

~~(b)]~~ The commissioners court may exempt from payment of a fee authorized by this Act:

(1) spouse and child support payments made under an interstate pact;

(2) a case brought by the Texas Department of Human Resources; and

(3) any other type of payment or case in which the commissioners court determines that collection of a fee would not be practical or in the interest of justice.

(b) [~~(c)]~~ A fee collected under this Act shall be transferred to the county treasurer or other officer performing the duties of the county treasurer for deposit in a special fund. The fund may be used to assist in the payment of the operating expenses of the child support services department and the child support registry of the juvenile probation department.

(c) [~~(d)]~~ An accurate and complete record of the fees collected and due shall be kept. The record is open to inspection by the public. The county auditor shall inspect the records, audit the fee accounts, and make a report of his findings and recommendations to the commissioners court.

SECTION 3. Sections 1 and 2 of this Act take effect October 1, 1985. The commissioners court of Bexar County may adopt orders in anticipation of the effective date of Sections 1 and 2 of this Act.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 18, 1985, by a non-record vote; passed by the Senate on May 2, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 17, 1985

Effective: October 1, 1985, except for Section 3 which is effective August 26, 1985.