

CHAPTER 417

S.B. No. 857

AN ACT

relating to court fees and costs in certain family law actions; making an appropriation to the attorney general.

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

SECTION 1. Section 76.009, Human Resources Code, is amended by amending Subsections (a) and (b) and adding Subsection (i) to read as follows:

(a) In, or in connection with, a Title IV-D case brought by the attorney general or a private attorney or political subdivision that has entered into a contract under Section 76.007(b), the attorney general shall pay the following fees in a suit affecting the parent-child relationship under Title 2, Family Code, including a suit to establish paternity, a motion to enforce or modify a decree, or a notice of child support delinquency, or in a suit under Chapter 21, Family Code:

(1) filing fees and fees for issuance *and* [of] service of process as provided by Sections 51.317(b), [and] 51.318(b)(2), *and* 51.319(4), Government Code;

(2) fees for transfer as provided by Section 11.06(l) *or* Section 14.13, Family Code;

(3) fees for the issuance *and* *delivery* of orders and writs of income withholding in the amounts [amount-as] provided by Sections [Section] 14.43(i) *and* 14.45(h), Family Code; [and]

(4) a fee of \$45 [\$35] for each *item* of process to each individual on whom service is required, *including service by certified or registered mail* [without regard to the amount of items of process to be served on that individual], to be paid to a sheriff, constable, or clerk whenever service of process is required; *and*

(5) *mileage costs incurred by a sheriff or constable when traveling out of the county to execute an outstanding warrant or capias, to be reimbursed at a rate not to exceed the rate provided for mileage incurred by state employees in the General Appropriations Act.*

(b) Except as provided by Subsections (a) and (d), a district or county clerk, sheriff, constable, or other government officer or employee may not charge the attorney general or a private attorney or political subdivision that has entered into a contract under Section 76.007(b) any fees or other amounts otherwise imposed by law for services rendered in, or in connection with, a Title IV-D case, including:

(1) a fee payable to a district clerk under *Sections 51.319(1), (2), (3), and (5)* [Section 51.319], Government Code;

(2) a court reporter fee under Section 51.601, Government Code, *except as provided by Subsection (i) of this section*;

(3) a judicial fund fee under Section 51.701, Government Code;

(4) a fee for a child support registry, enforcement office, or domestic relations office; and

(5) a fee for alternative dispute resolution services.

(i) Without regard to the provisions of this section and specifically Subsection (e) of this section, the attorney general may pay the costs for the services of an official court reporter for the preparation of statements of facts and the costs for the publication of citation served by publication.

SECTION 2. Section 14.13, Family Code, is amended to read as follows:

Sec. 14.13. FILING FEE. (a) A filing fee of \$15 shall be collected in a suit affecting the parent-child relationship when a party to the suit files:

(1) a motion to modify a decree;

(2) [~~or when~~] a motion for the enforcement of an order;

(3) a notice of delinquency; or

(4) a motion to transfer [~~is filed under this chapter~~].

(b) No other filing fee may be collected or required for motions *or the notice of delinquency* described by this section.

(c) This section does not prohibit the clerk from collecting a deposit in the amount set by the clerk as in other cases for payment of expected costs and other expenses arising in the proceeding.

SECTION 3. Subsection (i), Section 14.43, Family Code, is amended to read as follows:

(i) Fees. The employer may deduct an administrative fee of not more than \$5 per month from the obligor's disposable earnings in addition to the amount to be withheld as child support. The clerk of the court may charge the requestor a reasonable fee for each order issued and delivered to an employer by mail, not to exceed \$15 [\$5].

SECTION 4. Section 14.45, Family Code, is amended by adding Subsection (h) to read as follows:

(h) Fees. The clerk of the court may charge a reasonable fee for each writ issued and delivered to an employer by mail, not to exceed \$15.

SECTION 5. All funds received from the federal government as reimbursement for the costs and fees paid or payable by the attorney general pursuant to Section 76.009, Human Resources Code, shall be in excess of any amount appropriated to the attorney general by other Acts of the 73rd Legislature and are hereby appropriated to the attorney general for the purposes authorized by Chapter 76, Human Resources Code, for the fiscal years ending August 31, 1994, and August 31, 1995.

SECTION 6. This Act takes effect September 1, 1993.

SECTION 7. 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 the Senate on March 30, 1993, by a viva-voce vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas; passed the House on May 14, 1993, by a non-record vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Approved June 6, 1993.

Effective Sept. 1, 1993.