

CHAPTER 82

H.B. No. 623

AN ACT

relating to the membership and operation of the Wichita County Juvenile Board and Wichita County Family Court Services Department and to fees charged to support the operations of the family court services department.

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

SECTION 1. Sections 2, 3, 7, 10, and 11, Chapter 405, Acts of the 55th Legislature, Regular Session, 1957 (Article 5142a-2, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2. The Wichita County Juvenile Board is~~is~~, ~~as heretofore established and~~ composed of the County Judge of Wichita County, ~~and~~ the Judge of each Judicial District which includes Wichita County, ~~and the Judge of each Statutory County Court in the county.~~ The Juvenile Board shall have all powers conferred upon a juvenile board ~~the Juvenile Board~~ created under Article 5139, ~~of~~ Revised ~~[Civil]~~ Statutes, ~~of 1925~~ and any amendments thereto. The Wichita County Juvenile Board shall have authority to appoint an Administrator ~~and such assistants as may be necessary~~, and to determine the duties to be assigned such Administrator and his assistants, and the rate of pay which shall be paid all the personnel comprising the Wichita County Family Court Services.

Sec. 3. The Wichita County Family Court Services Administrator shall have the powers and duties prescribed by Article 5142, ~~of the~~ Revised ~~[Civil]~~ Statutes, ~~of 1925~~ and any amendments thereto. The Administrator shall appoint assistants ~~subject to confirmation by the Juvenile Board~~. The number of assistants shall be determined by the Juvenile Board. The term of office of the Administrator ~~and assistants~~ shall be for a period of two (2) years; provided, however, that the Juvenile Board may at any time, for good cause, suspend or remove an Administrator ~~or an assistant~~.

Sec. 7. All homes, schools, farms and any and all other institutions or places of housing maintained and used chiefly by the county for the training, education, detention and support or correction of juveniles shall be under the control and supervision of the Juvenile Board, and the superintendent of each such institution shall be appointed by the Wichita County Family Court Services Department Administrator and each such appointment shall be confirmed by the Juvenile Board. The salaries of such superintendents and assistants shall be fixed by the Wichita County Juvenile Board and such superintendent or assistant may at any time~~, for good cause,~~ be suspended or removed by the appointing authority. *This section does not apply to a person or facility that provides*

*services to juveniles under a contract with the Commissioners Court or Juvenile Board and that is licensed or registered by a state or federal agency or an agency of another state.*

Sec. 10. (a) Each month for which a person has been ordered by a court [~~District Court~~] of Wichita County to pay child support, alimony, or separate maintenance into the Wichita County Family Court Services Department, the payor of such child support, alimony, or separate maintenance shall also be responsible for payment of a child support service fee in the sum of \$2.50 [~~\$1.50~~] per month, payable annually in advance. However, in those instances where the payor is a member of the Armed Services and wherein the monthly child support, alimony, or separate maintenance payments exceed that amount ordered by the court, the recipient (payee) of such child support, alimony, or separate maintenance shall be the person responsible for paying such annual child support service fee into the Family Court Services Department.

(b) *In addition to the child support service fee prescribed by Subsection (a) of this section, the person responsible for payment of the fee shall also pay an operations initiation fee of \$10. If the person responsible for payment of the* [~~The first such~~] *child support service fee is the* [~~shall be due on the date such~~] *payor of child support, alimony, or separate maintenance, the operations initiation fee and the first child support service fee are due on the date the payor has been ordered by the court* [~~District Court~~] *to commence payments of child support, alimony, or separate maintenance. The child support service fee is due* [~~and~~] *thereafter for all such persons ordered to pay child support, alimony, or separate maintenance on each succeeding annual anniversary of the original court order for payment. In those instances where the payee is charged with the responsibility of making such service fee payments, the operations initiation fee and the first child support service fee* [~~first such payment~~] *shall become due on the date of receipt of the initial child support payment, and subsequent child support service fees are due annually thereafter on the anniversary of the date of the receipt of the first child support allotment check so long as the payor is a member of the Armed Services and so long as child support allotment payments exceed the amount of child support ordered by the court.*

(c) *The operations initiation fees and* [~~Such~~] *child support service fees shall be for the purpose of meeting certain expenses of the child support office, including postage, equipment, stationery, office supplies, subpoenas, salaries and other expenses of the Family Court Services Department authorized by the Wichita County Juvenile Board.*

(d) A record shall be kept of all *operations initiation fees and* child support service fees collected, and expended, and such moneys shall be deposited in the child support fund and shall be administered by the Juvenile Board of Wichita County.

(e) Failure or refusal of a person to pay *the operations initiation fees or* [~~such~~] *child support service fee on time and in the amount ordered by the court shall make such person susceptible to an action for contempt of court.*

(f) This fund shall be subject to regular audit by the county auditor or other duly authorized persons. Annual report of receipts and expenditures in this account shall be made to the Commissioners Court.

Sec. 11. For the purpose of maintaining adoption investigation services, there shall be taxed, collected and paid as other costs the sum of *One Hundred Dollars (\$100)* [~~Ten Dollars (\$10)~~] in each adoption case [~~hereafter~~] filed in any District Court in Wichita County. Such cost shall be collected by the District Clerk, and when collected, shall be paid by said District Clerk to the Wichita County Family Court Services Department to be kept by that Department in a separate fund and such fund to be known as the "Adoption Investigation Fund." This Fund shall be administered by the Juvenile Board of Wichita County for the purpose of assisting in paying the cost of maintaining adoption investigation services in the Family Court Services Department of Wichita County, including salaries and other expenses of the Adoption Investigator and his assistants, the purchase of supplies and equipment, and all other necessary expenses of the Investigator. This Fund shall be supplemented out of the General Fund or other available funds of the County where necessary.

**Ch. 82, § 2**

**70th LEGISLATURE—REGULAR SESSION**

**SECTION 2.** Any court in Wichita County that before September 1, 1987, ordered a person to pay a fee of \$1.50 per month to the Wichita County Family Court Services Department under Section 10(a), Chapter 405, Acts of the 55th Legislature, Regular Session, 1957 (Article 5142a-2, Vernon's Texas Civil Statutes), may without prior notice to the parties of the suit in which the order was made and without a hearing modify the support order to require the person responsible for payment of the fee to pay the increased fee prescribed by Section 10(a), as amended by Section 1 of this Act. The increased fee is due on the next annual anniversary of the original court order for payment. The increased fee shall be paid in the same manner as the original fee. An order modified under this section is enforceable in the same manner as an order originally made or modified as provided by the Family Code. A modification of an order under this section takes effect when the person obligated to make the payment receives written notice of the modification. The notice may be given by any manner authorized by the Texas Rules of Civil Procedure for service of notice on the commencement of a suit or by any other effective manner prescribed by the court making the modification.

**SECTION 3.** (a) This Act takes effect September 1, 1987.

(b) Section 11, Chapter 405, Acts of the 55th Legislature, Regular Session, 1957 (Article 5142a-2, Vernon's Texas Civil Statutes), as amended by this Act, applies to each adoption case filed in a district court in Wichita County on or after the effective date of this Act.

(c) Except as provided by Section 2 of this Act, Section 10, Chapter 405, Acts of the 55th Legislature, Regular Session, 1957 (Article 5142a-2, Vernon's Texas Civil Statutes), as amended by this Act, applies to each order or modification of an order entered on or after the effective date of this Act in which the court initially orders a person to make child support, alimony, or separate maintenance payments to the Wichita County Family Court Services Department.

**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 2, 1987, by a non-record vote. Passed by the Senate on April 30, 1987, by the following vote: Yeas 31, Nays 0.

Approved May 12, 1987.

Effective Sept. 1, 1987.