

BILL ANALYSIS

H.B. 886
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 157.167, of the Family Code, currently provides that if a court finds that a respondent has failed to make child support payments, the court shall order the respondent to pay the movant's reasonable attorney's fees and all court costs in addition to the arrearage. Additionally, Section 157.167, of the Family Code, states that the court may waive the requirement that the respondent pay attorney's fees and costs if the court states the reasons supporting that finding.

Currently, there is no similar provision for the awarding of attorneys' fees when a parent is deprived of possession of or access to a child. Many persons cannot afford an attorney to represent them for orders of enforcement of possession of or access to a child.

House Bill 886 would authorize the awarding of attorneys' fees when a court finds that the respondent has failed to comply with an order of possession of or access to a child.

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.

SECTION BY SECTION ANALYSIS

Section 1. Amends Section 157.167, Family Code by adding (b) to state that if the court finds that the respondent has failed to comply with the terms of an order providing for the possession of or access to a child, the court shall order the respondent to pay the movant's reasonable attorney's fees and all court costs in addition to any other remedy. Such fees and costs ordered under Subsection (a) may be enforced by any means available for the enforcement of child support, including contempt.

Section 2. This Act takes effect September 1, 2003, and applies only to an enforcement order rendered on or after that date. An enforcement order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2003.