

1-1 By: Dutton, et al. (Senate Sponsor - Averitt) H.B. No. 886
1-2 (In the Senate - Received from the House April 9, 2003;
1-3 April 14, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 8, 2003, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 8, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to attorney's fees in a proceeding to enforce an order for
1-9 the possession of or access to a child.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 157.167, Family Code, is amended to read
1-12 as follows:

1-13 Sec. 157.167. RESPONDENT TO PAY ATTORNEY'S FEES AND COSTS.

1-14 (a) If the court finds that the respondent has failed to make child
1-15 support payments, the court shall order the respondent to pay the
1-16 movant's reasonable attorney's fees and all court costs in addition
1-17 to the arrearages.

1-18 (b) If the court finds that the respondent has failed to
1-19 comply with the terms of an order providing for the possession of or
1-20 access to a child, the court shall order the respondent to pay the
1-21 movant's reasonable attorney's fees and all court costs in addition
1-22 to any other remedy.

1-23 (c) For good cause shown, the court may waive the
1-24 requirement that the respondent pay attorney's fees and costs if
1-25 the court states the reasons supporting that finding.

1-26 (d) ~~[(c)]~~ Fees and costs ordered under Subsection (a) ~~[this~~
1-27 ~~section]~~ may be enforced by any means available for the enforcement
1-28 of child support, including contempt.

1-29 SECTION 2. This Act takes effect September 1, 2003, and
1-30 applies only to an enforcement order rendered on or after that date.
1-31 An enforcement order rendered before the effective date of this Act
1-32 is governed by the law in effect on the date the order was rendered,
1-33 and the former law is continued in effect for that purpose.

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