

1 AN ACT

2 relating to certain fees and costs that may be collected and to
3 certain attorney's fees and costs that may be imposed in relation to
4 certain child support matters.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 157.167, Family Code, is amended by
7 amending Subsection (b) and adding Subsection (d) to read as
8 follows:

9 (b) Except as provided by Subsection (d), for [~~For~~] good
10 cause shown, the court may waive the requirement that the
11 respondent pay attorney's fees and costs if the court states the
12 reasons supporting that finding.

13 (d) If the court finds that the respondent is in contempt of
14 court for failure or refusal to pay child support and that the
15 respondent owes \$20,000 or more in child support arrearages, the
16 court may not waive the requirement that the respondent pay
17 attorney's fees and costs unless the court also finds that the
18 respondent:

19 (1) is involuntarily unemployed or is disabled; and
20 (2) lacks the financial resources to pay the
21 attorney's fees and costs.

22 SECTION 2. The heading to Section 231.103, Family Code, is
23 amended to read as follows:

24 Sec. 231.103. APPLICATION AND SERVICE FEES [~~FEES~~].

1 SECTION 3. Section 231.103, Family Code, is amended by
2 amending Subsection (a) and adding Subsections (d)-(h) to read as
3 follows:

4 (a) The Title IV-D agency may:

5 (1) charge a reasonable application fee;

6 (2) charge a \$25 annual service fee; and

7 (3) to the extent permitted by federal law, recover
8 costs for the services provided in a Title IV-D case.

9 (d) The Title IV-D agency may only charge an annual service
10 fee in a Title IV-D case if the recipient of Title IV-D services has
11 never received public assistance under Part A of Title IV of the
12 federal Social Security Act (42 U.S.C. Section 601 et seq.) and the
13 recipient receives more than \$500 in support payments in a year.
14 The annual service fee may only be deducted from support payments
15 that exceed \$500 annually.

16 (e) The Title IV-D agency may impose and collect a fee as
17 authorized by federal law for each request for parent locator
18 services under Section 231.101(a).

19 (f) The state disbursement unit established and operated by
20 the Title IV-D agency under Chapter 234 may collect a monthly
21 service fee of \$3 deducted from support payments in a case for which
22 the Title IV-D agency is not providing services.

23 (g) The Title IV-D agency by rule shall establish procedures
24 for the imposition of fees and recovery of costs authorized under
25 this section.

26 (h) The attorney general child support application and
27 service fee account is an account in the general revenue fund in the

1 state treasury. The account consists of all fees and costs
2 collected under this section. The Title IV-D agency may only use
3 the money in the account for agency program expenditures.

4 SECTION 4. Section 234.008, Family Code, is amended by
5 amending Subsection (a) and adding Subsection (c) to read as
6 follows:

7 (a) Except as provided by Subsection (c), not ~~[Not]~~ later
8 than the second business day after the date the state disbursement
9 unit receives a child support payment, the state disbursement unit
10 shall distribute the payment to the Title IV-D agency or the
11 obligee.

12 (c) In a case in which a service fee is authorized under
13 Section 231.103(d), the state disbursement unit shall deduct the
14 amount of the fee from the support payment before the payment is
15 disbursed to the obligee.

16 SECTION 5. (a) This Act takes effect September 1, 2003.

17 (b) The Title IV-D agency may not collect the \$25 annual
18 service fee authorized by Section 231.103, Family Code, as amended
19 by this Act, before January 1, 2004.

20 (c) The change in law made by this Act does not by itself
21 constitute a material and substantial change of circumstances under
22 Section 156.401, Family Code, sufficient to warrant modification of
23 a court order or a portion of a decree that provides for the support
24 of a child rendered before the effective date of this Act.

President of the Senate

Speaker of the House

I certify that H.B. No. 2588 was passed by the House on May 6, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2588 on May 29, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2588 on June 1, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2588 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2588 on May 31, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor