

1-1 By: Goodman (Senate Sponsor - Harris) H.B. No. 2588
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 22, 2003, reported favorably, as amended, by
1-5 the following vote: Yeas 6, Nays 0; May 22, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Harris

1-7 Amend H.B. 2588 by striking "\$500" on page 1, lines 46 and 48 and
1-8 replacing it with "\$1000.00" respectively.

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to certain fees and costs that may be collected and to
1-12 certain attorney's fees and costs that may be imposed in relation to
1-13 certain child support matters.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 157.167, Family Code, is amended by
1-16 amending Subsection (b) and adding Subsection (d) to read as
1-17 follows:

1-18 (b) Except as provided by Subsection (d), for [For] good
1-19 cause shown, the court may waive the requirement that the
1-20 respondent pay attorney's fees and costs if the court states the
1-21 reasons supporting that finding.

1-22 (d) If the court finds that the respondent is in contempt of
1-23 court for failure or refusal to pay child support and that the
1-24 respondent owes \$20,000 or more in child support arrearages, the
1-25 court may not waive the requirement that the respondent pay
1-26 attorney's fees and costs unless the court also finds that the
1-27 respondent:

1-28 (1) is involuntarily unemployed or is disabled; and
1-29 (2) lacks the financial resources to pay the
1-30 attorney's fees and costs.

1-31 SECTION 2. The heading to Section 231.103, Family Code, is
1-32 amended to read as follows:

1-33 Sec. 231.103. APPLICATION AND SERVICE FEES [~~FEES~~].

1-34 SECTION 3. Section 231.103, Family Code, is amended by
1-35 amending Subsection (a) and adding Subsections (d)-(h) to read as
1-36 follows:

1-37 (a) The Title IV-D agency may:
1-38 (1) charge a reasonable application fee;
1-39 (2) charge a \$25 annual service fee; and
1-40 (3) to the extent permitted by federal law, recover
1-41 costs for the services provided in a Title IV-D case.

1-42 (d) The Title IV-D agency may only charge an annual service
1-43 fee in a Title IV-D case if the recipient of Title IV-D services has
1-44 never received public assistance under Part A of Title IV of the
1-45 federal Social Security Act (42 U.S.C. Section 601 et seq.) and the
1-46 recipient receives more than \$500 in support payments in a year.
1-47 The annual service fee may only be deducted from support payments
1-48 that exceed \$500 annually.

1-49 (e) The Title IV-D agency may impose and collect a fee as
1-50 authorized by federal law for each request for parent locator
1-51 services under Section 231.101(a).

1-52 (f) The state disbursement unit established and operated by
1-53 the Title IV-D agency under Chapter 234 may collect a monthly
1-54 service fee of \$3 deducted from support payments in a case for which
1-55 the Title IV-D agency is not providing services.

1-56 (g) The Title IV-D agency by rule shall establish procedures
1-57 for the imposition of fees and recovery of costs authorized under
1-58 this section.

1-59 (h) The attorney general child support application and
1-60 service fee account is an account in the general revenue fund in the
1-61 state treasury. The account consists of all fees and costs
1-62 collected under this section. The Title IV-D agency may only use

2-1 the money in the account for agency program expenditures.

2-2 SECTION 4. Section 234.008, Family Code, is amended by
2-3 amending Subsection (a) and adding Subsection (c) to read as
2-4 follows:

2-5 (a) Except as provided by Subsection (c), not ~~[Not]~~ later
2-6 than the second business day after the date the state disbursement
2-7 unit receives a child support payment, the state disbursement unit
2-8 shall distribute the payment to the Title IV-D agency or the
2-9 obligee.

2-10 (c) In a case in which a service fee is authorized under
2-11 Section 231.103(d), the state disbursement unit shall deduct the
2-12 amount of the fee from the support payment before the payment is
2-13 disbursed to the obligee.

2-14 SECTION 5. (a) This Act takes effect September 1, 2003.

2-15 (b) The Title IV-D agency may not collect the \$25 annual
2-16 service fee authorized by Section 231.103, Family Code, as amended
2-17 by this Act, before January 1, 2004.

2-18 (c) The change in law made by this Act does not by itself
2-19 constitute a material and substantial change of circumstances under
2-20 Section 156.401, Family Code, sufficient to warrant modification of
2-21 a court order or a portion of a decree that provides for the support
2-22 of a child rendered before the effective date of this Act.

2-23 * * * * *