

By: Hupp

H.B. No. 89

A BILL TO BE ENTITLED

AN ACT

relating to a fee to support the appointment of attorneys ad litem
in certain civil suits.

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

SECTION 1. Section 51.961, Government Code, as amended by
Senate Bill No. 6, Acts of the 79th Legislature, Regular Session,
2005, is amended to read as follows:

Sec. 51.961. FAMILY PROTECTION FEE. (a) The commissioners
court of a county shall adopt a family protection fee in an amount
not to exceed \$45 [~~\$30~~].

(b) Except as provided by Subsection (c), the district clerk
or county clerk shall collect the family protection fee at the time
a suit for dissolution of a marriage under Chapter 6, Family Code,
is filed. The fee is in addition to any other fee collected by the
district clerk or county clerk.

(c) The clerk may not collect a fee under this section from a
person who is protected by an order issued under:

(1) Subtitle B, Title 4, Family Code; or

(2) Article 17.292, Code of Criminal Procedure.

(c-1) The clerk shall pay one-third of the fee collected
under this section to the county treasurer for deposit in the
general fund of the county. The funds shall be used to pay attorney
ad litem fees for attorneys ad litem appointed under Section
107.013(c), Family Code.

1 (d) The clerk shall pay one-third [~~one-half~~] of the fee
2 collected under this section to the appropriate officer of the
3 county in which the suit is filed for deposit in the county treasury
4 to the credit of the family protection account. The account may be
5 used by the commissioners court of the county only to fund a service
6 provider located in that county or an adjacent county. The
7 commissioners court may provide funding to a nonprofit organization
8 that provides services described by Subsection (e).

9 (e) A service provider who receives funds under Subsection
10 (d) may provide family violence and child abuse prevention,
11 intervention, family strengthening, mental health, counseling,
12 legal, including services as an attorney ad litem under Section
13 107.013, Family Code, and marriage preservation services to
14 families that are at risk of experiencing or that have experienced
15 family violence or the abuse or neglect of a child.

16 (f) In this section, "family violence" has the meaning
17 assigned by Section 71.004, Family Code.

18 (g) The clerk shall pay one-third [~~one-half~~] of the fee
19 collected under this section to the comptroller, who shall deposit
20 the money to the credit of the child abuse and neglect prevention
21 trust fund account established under Section 40.105, Human
22 Resources Code.

23 SECTION 2. Section 101.061, Government Code, as amended by
24 Senate Bill No. 6 and Senate Bill No. 291, Acts of the 79th
25 Legislature, Regular Session, 2005, is amended to read as follows:

26 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a
27 district court shall collect fees and costs as follows:

(1) filing fee in action with respect to a fraudulent court record or fraudulent lien or claim filed against property (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

(2) fee for service of notice of action with respect to a fraudulent court record or fraudulent lien or claim filed against property (Sec. 12.005, Civil Practice and Remedies Code) . . . not to exceed \$20, if notice delivered in person, or the cost of postage, if service is by registered or certified mail;

(3) court cost in certain civil cases to establish and maintain an alternative dispute resolution system, if authorized by the county commissioners court (Sec. 152.004, Civil Practice and Remedies Code) . . . not to exceed \$10;

(4) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . not more than \$5;

(C) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(D) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5; and

(E) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(5) additional filing fees:

(A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) . . . not to exceed \$5;

1 (B) for each civil suit filed, for court-related
2 purposes for the support of the judiciary and for civil legal
3 services to an indigent:

4 (i) for family law cases and proceedings as
5 defined by Section 25.0002, Government Code (Sec. 133.151, Local
6 Government Code) . . . \$45; or

7 (ii) for any case other than a case
8 described by Subparagraph (i) (Sec. 133.151, Local Government
9 Code) . . . \$50;

10 (C) to fund the improvement of Dallas County
11 civil court facilities, if authorized by the county commissioners
12 court (Sec. 51.705, Government Code) . . . not more than \$15; and

13 (D) on the filing of any civil action or
14 proceeding requiring a filing fee, including an appeal, and on the
15 filing of any counterclaim, cross-action, intervention,
16 interpleader, or third-party action requiring a filing fee, to fund
17 civil legal services for the indigent:

18 (i) for family law cases and proceedings as
19 defined by Section 25.0002, Government Code (Sec. 133.152, Local
20 Government Code) . . . \$5; or

21 (ii) for any case other than a case
22 described by Subparagraph (i) (Sec. 133.152, Local Government
23 Code) . . . \$10;

24 (6) for filing a suit, including an appeal from an
25 inferior court:

26 (A) for a suit with 10 or fewer plaintiffs (Sec.
27 51.317, Government Code) . . . \$50;

1 (B) for a suit with at least 11 but not more than
2 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

3 (C) for a suit with at least 26 but not more than
4 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

5 (D) for a suit with at least 101 but not more than
6 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

7 (E) for a suit with at least 501 but not more than
8 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

9 (F) for a suit with more than 1,000 plaintiffs
10 (Sec. 51.317, Government Code) . . . \$200;

11 (7) for filing a cross-action, counterclaim,
12 intervention, contempt action, motion for new trial, or third-party
13 petition (Sec. 51.317, Government Code) . . . \$15;

14 (8) for issuing a citation or other writ or process not
15 otherwise provided for, including one copy, when requested at the
16 time a suit or action is filed (Sec. 51.317, Government
17 Code) . . . \$8;

18 (9) for records management and preservation (Sec.
19 51.317, Government Code) . . . \$10;

20 (10) for issuing a subpoena, including one copy (Sec.
21 51.318, Government Code) . . . \$8;

22 (11) for issuing a citation, commission for
23 deposition, writ of execution, order of sale, writ of execution and
24 order of sale, writ of injunction, writ of garnishment, writ of
25 attachment, or writ of sequestration not provided for in Section
26 51.317, or any other writ or process not otherwise provided for,
27 including one copy if required by law (Sec. 51.318, Government

Code) . . . \$8;

(12) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5;

(13) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . \$5;

(14) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(15) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(16) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . \$1;

(17) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(18) jury fee (Sec. 51.604, Government Code) . . . \$30;

(19) for filing a report of divorce or annulment (Sec. 194.002, Health and Safety Code) . . . \$1;

(20) for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . \$4;

(21) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code, if authorized by the county commissioners court (Sec. 51.961, Government Code) . . . not to exceed \$45 [~~\$30~~];

1 (22) fee on filing a suit for dissolution of a marriage
2 for services of child support department in Harris County, if
3 authorized by the county commissioners court (Sec. 152.1074, Human
4 Resources Code) . . . not to exceed \$12;

5 (22-a) a child support service fee in Nueces County if
6 ordered by the commissioners court and assessed by the court (Sec.
7 152.1844, Human Resources Code) . . . not to exceed \$5 a month
8 payable annually in advance;

9 (22-b) a service fee to be paid by a person ordered by
10 a district court to pay child or spousal support:

11 (A) in Collin County if authorized by the
12 juvenile board (Sec. 152.0492, Human Resources Code) . . . not to
13 exceed \$2.50 added to first support payment each month;

14 (B) in Johnson County if authorized by the
15 juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00
16 added to first support payment each month; and

17 (C) in Montague County (Sec. 152.1752, Human
18 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50
19 cents if fee is ordered to be paid semimonthly or weekly;

20 (22-c) attorney's fees as an additional cost in
21 Montague County on a finding of contempt of court for failure to pay
22 child or spousal support if the contempt action is initiated by the
23 probation department (Sec. 152.1752, Human Resources
24 Code) . . . \$15;

25 (23) fee on filing a suit requesting an adoption in
26 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

27 (24) court cost on citation for contempt of court for

1 failure to comply with child support order in Nueces County, if
2 authorized by the commissioners court (Sec. 152.1844, Human
3 Resources Code) . . . not to exceed \$10;

4 (25) fee on filing a suit for divorce in Orange County
5 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

6 (26) court costs on citation for contempt of court in
7 Orange County for failure to comply with a child support order or
8 order providing for possession of or access to a child (Sec.
9 152.1873, Human Resources Code) . . . amount determined by
10 district clerk;

11 (27) fee on filing a suit requesting an adoption in
12 Orange County (Sec. 152.1874, Human Resources Code) . . . not less
13 than \$25;

14 (28) fee on filing a suit requesting an adoption in
15 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;

16 (29) additional filing fee to fund the courthouse
17 security fund, if authorized by the county commissioners court
18 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

19 (30) additional filing fee for filing documents not
20 subject to certain filing fees to fund the courthouse security
21 fund, if authorized by the county commissioners court (Sec.
22 291.008, Local Government Code) . . . \$1;

23 (31) additional filing fee to fund the courthouse
24 security fund in Webb County, if authorized by the county
25 commissioners court (Sec. 291.009, Local Government
26 Code) . . . not to exceed \$20;

27 (32) court cost in civil cases other than suits for

1 delinquent taxes to fund the county law library fund, if authorized
2 by the county commissioners court (Sec. 323.023, Local Government
3 Code) . . . not to exceed \$35;

4 (33) when administering a case for the Rockwall County
5 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
6 court costs as if the case had been filed in district court;

7 (34) at a hearing held by an associate judge in Dallas
8 County, a court cost to preserve the record, in the absence of a
9 court reporter, by other means (Sec. 54.509, Government
10 Code) . . . as assessed by the referring court or associate judge;

11 (35) at a hearing held by an associate judge in Duval
12 County, a court cost to preserve the record (Sec. 54.1151,
13 Government Code, as added by Chapter 1150, Acts of the 78th
14 Legislature, Regular Session, 2003) . . . as imposed by the
15 referring court or associate judge;

16 (36) court fees and costs, if ordered by the court, for
17 a suit filed by an inmate in which an affidavit or unsworn
18 declaration of inability to pay costs is filed by the inmate (Sec.
19 14.006, Civil Practice and Remedies Code) . . . the lesser of:

20 (A) 20 percent of the preceding six months'
21 deposits to the inmate's trust account administered by the Texas
22 Department of Criminal Justice under Section 501.014, Government
23 Code; or

24 (B) the total amount of court fees and costs;

25 (37) monthly payment for remaining court fees and
26 costs after the initial payment for a suit in which an affidavit or
27 unsworn declaration of inability to pay costs is filed by the inmate

(Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser of:

(A) 10 percent of that month's deposit to the inmate's trust account administered by the Texas Department of Criminal Justice under Section 501.014, Government Code; or

(B) the total amount of court fees and costs that remain unpaid;

(38) the following costs not otherwise charged to the inmate under Section 14.006, Civil Practice and Remedies Code, if the inmate has previously filed an action dismissed as malicious or frivolous (Sec. 14.007, Civil Practice and Remedies Code):

(A) expenses of service of process;

(B) postage; and

(C) transportation, housing, or medical care incurred in connection with the appearance of the inmate in the court for any proceeding;

(39) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

1 (D) prescribed or authorized by law but for which
2 no fee is set (Sec. 51.319, Government Code) . . . a reasonable
3 fee;

4 (40) court costs, which may include expert witness
5 fees in Travis County in an action in which the plaintiff prevails
6 against an insurer for economic damages sustained by the plaintiff
7 as a result of unfair discrimination (Sec. 544.054, Insurance
8 Code) . . . court costs and reasonable and necessary expert
9 witness fees;

10 (41) security deposit on filing, by any person other
11 than the personal representative of an estate, an application,
12 complaint, or opposition in relation to the estate, if required by
13 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
14 proceeding;

15 (42) security deposit on filing, by any person other
16 than the guardian, attorney ad litem, or guardian ad litem, an
17 application, complaint, or opposition in relation to a guardianship
18 matter, if required by the clerk (Sec. 622, Texas Probate
19 Code) . . . probable cost of the guardianship proceeding; and

20 (43) fee for filing an additional petition for review
21 of an appraisal review board order relating to certain regulated
22 property running through or operating in more than one county after
23 the first petition for review relating to the same property is filed
24 for a tax year (Sec. 42.221, Tax Code) . . . \$5.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect on the 91st day after the last day of the
3 legislative session.