

By: Jackson

H.B. No. 3531

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Dallas County district and county courts
3 administration and court services.

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

5 SECTION 1. Section 152.0633, Human Resources Code, is
6 amended to read as follows:

7 Sec. 152.0633. DALLAS COUNTY DISTRICT AND COUNTY COURTS
8 ADMINISTRATOR AND COURT SERVICES DEPARTMENT. (a) The district and
9 county courts administrator is the chief administrative officer of
10 the court services department of Dallas County.

11 (b) The local administrative district judge and the judges
12 of the district courts in Dallas County that give preference to
13 civil, criminal, family law, or juvenile matters shall, on a
14 majority vote, appoint and set the salary of the district and county
15 courts administrator. The administrator serves at the will of
16 those judges [~~local administrative judge shall appoint and set the~~
17 ~~salary of the administrator. The administrator serves at the~~
18 ~~pleasure of the local administrative judge.~~

19 [~~(c) The administrator shall supervise the court services~~
20 ~~department and shall perform the duties and functions assigned by~~
21 ~~the local administrative judge.~~

22 [~~(d) The administrator shall hire the employees of the court~~
23 ~~services department subject to the approval of the local~~
24 ~~administrative judge. The administrator may remove an employee at~~

1 ~~any time subject to the approval of the local administrative~~
2 ~~judge].~~

3 (c) [~~(e)~~] The commissioners court shall pay the salaries
4 and expenses of the court services department employees as
5 determined by the department budget submitted by the local
6 administrative judge and approved by the commissioners court.

7 (d) A judge may not be subjected to a suit for, and is immune
8 from liability for damages arising from, an act or omission
9 committed while performing a duty under this section unless the act
10 or omission is:

11 (1) committed intentionally, wilfully, or wantonly;
12 or

13 (2) committed with:
14 (A) gross negligence; or
15 (B) conscious indifference or reckless disregard
16 for the safety of others.

17 ~~[(f) On the request of the judge of a district court in~~
18 ~~Dallas County, the department shall conduct case studies and report~~
19 ~~the findings and recommendations to the court.~~

20 ~~[(g) The department has the duties assigned by the~~
21 ~~administrator or the local administrative judge and prescribed by~~
22 ~~this section and Section 152.0634, including the duty to:~~

23 ~~[(1) collect, receive, disburse, and monitor support~~
24 ~~payments that are required by court order to be made to the~~
25 ~~department, and~~

26 ~~[(2) collect, receive, and deposit the fees authorized~~
27 ~~under Section 152.0634 or 152.0635.~~

1 ~~[(h) The department may initiate a contempt action or other~~
2 ~~action to establish or enforce a court order for child support or to~~
3 ~~collect a fee authorized under Section 152.0634 or 152.0635,~~
4 ~~including attorney's fees and court costs. This subsection does~~
5 ~~not affect the authority of another person to initiate a contempt~~
6 ~~action or other action to establish or enforce a court order for~~
7 ~~child support or to collect a fee provided by general law.]~~

8 SECTION 2. Subchapter D, Chapter 152, Human Resources Code,
9 is amended by adding Sections 152.06331 and 152.06332 to read as
10 follows:

11 Sec. 152.06331. DALLAS COUNTY DOMESTIC RELATIONS OFFICE.

12 (a) The domestic relations office of Dallas County is established.
13 Except to the extent of a conflict with this section, Chapter 264,
14 Family Code, applies to the office, and the office has the powers
15 and duties of a domestic relations office provided by that chapter.

16 (b) The judges of the district courts in Dallas County that
17 give preference to family law matters shall, on a majority vote,
18 appoint the director of the domestic relations office. The
19 director serves at the will of those judges, except that those
20 judges may delegate the decision to terminate the director's
21 appointment to the presiding judge of those judges' courts.

22 (c) The judges of the district courts in Dallas County that
23 give preference to family law matters shall, by majority vote,
24 supervise the activities of the director and the domestic relations
25 office, including the office's structure and budget, or those
26 judges may delegate the supervisory duties to the presiding judge
27 of those judges' courts.

1 (d) The domestic relations office shall report to the Dallas
2 County district and county courts administrator, and the
3 administrator shall report to the judges of the district courts in
4 Dallas County that give preference to family law matters,
5 regarding:

6 (1) the domestic relations office's performance of all
7 matters relating to family court services or successor services and
8 child support collection and administration; and

9 (2) all other functions performed by the office.

10 (e) The judges of the district courts in Dallas County that
11 give preference to family law matters have final authority over
12 decisions regarding the administration of the functions and duties
13 of the domestic relations office and have the right to direct the
14 district and county courts administrator to adopt and adhere to the
15 policies adopted by the judges with regard to the domestic
16 relations office.

17 (f) Fees for the preparation of a court-ordered social study
18 or any other services provided by the domestic relations office,
19 other than services related to the collection of child support,
20 must be reasonable and imposed on a sliding scale according to the
21 financial resources of the parties using the services.

22 (g) A judge may not be subjected to a suit for, and is immune
23 from liability for damages arising from, an act or omission
24 committed while performing a duty under this section unless the act
25 or omission is:

26 (1) committed intentionally, wilfully, or wantonly;
27 or

1 (2) committed with:

2 (A) gross negligence; or

3 (B) conscious indifference or reckless disregard
4 for the safety of others.

5 Sec. 152.06332. DALLAS COUNTY CRIMINAL DISTRICT COURTS
6 ADMINISTRATOR. (a) The criminal district courts administrator is
7 the chief administrative officer of the criminal district courts in
8 Dallas County.

9 (b) The judges of the district courts in Dallas County that
10 give preference to criminal law matters shall, on a majority vote,
11 appoint the criminal district courts administrator. The
12 administrator serves at the will of a majority of those judges,
13 except that those judges may delegate the decision to terminate the
14 administrator's appointment to the presiding judge of those judges'
15 courts.

16 (c) The judges of the district courts in Dallas County that
17 give preference to criminal law matters shall, by majority vote,
18 supervise the activities of the criminal district courts
19 administrator, including the structure of the administrator's
20 office and budget for that office, or those judges may delegate the
21 supervisory duties to the presiding judge of those courts.

22 (d) The criminal district courts administrator shall report
23 to the Dallas County district and county courts administrator, and
24 the district and county courts administrator shall report to the
25 judges of the criminal district courts in Dallas County, regarding
26 all issues related to the criminal district courts.

27 (e) The judges of the district courts that give preference

1 to criminal law matters in Dallas County have the final authority
2 over decisions regarding the administration of the areas related to
3 the criminal district courts in Dallas County and have the right to
4 direct the district and county courts administrator to adopt and
5 adhere to the policies adopted by the judges with regard to the
6 criminal district courts in Dallas County.

7 (f) A judge may not be subjected to a suit for, and is immune
8 from liability for damages arising from, an act or omission
9 committed while performing a duty under this section unless the act
10 or omission is:

11 (1) committed intentionally, wilfully, or wantonly;

12 or

13 (2) committed with:

14 (A) gross negligence; or

15 (B) conscious indifference or reckless disregard

16 for the safety of others.

17 SECTION 3. Section 103.022, Government Code, is amended to
18 read as follows:

19 Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following
20 fees and costs shall be paid or collected as follows:

21 (1) fee for use of an interpreter in civil cases (Sec.
22 21.051, Civil Practice and Remedies Code) . . . \$3;

23 (2) fee for custodian of a record compelled by a court
24 to produce or certify the record (Sec. 22.004, Civil Practice and
25 Remedies Code) . . . \$1;

26 (3) cost for use of certified copy of the record of
27 names of all trustees appointed by any state organization of a

1 religious congregation in this state (Sec. 126.012, Civil Practice
2 and Remedies Code) . . . \$1.50;

3 (4) filing of a restitution lien (Art. 42.22, Code of
4 Criminal Procedure) . . . \$5;

5 (5) issuance and service of a warrant of arrest for
6 certain offenses if prescribed by the municipality (Art. 45.203,
7 Code of Criminal Procedure) . . . not to exceed \$25;

8 (6) filing a certified copy of a judicial finding of
9 fact and conclusion of law if charged by the secretary of state
10 (Sec. 51.905, Government Code) . . . \$15;

11 (7) costs of determining and sending information
12 concerning the identity of the court with continuing, exclusive
13 jurisdiction if charged by the bureau of vital statistics (Sec.
14 108.006, Family Code) . . . reasonable fee;

15 (8) initial operations fee paid to domestic relations
16 office on filing of a suit affecting the parent-child relationship,
17 if authorized by the administering entity (Sec. 203.005, Family
18 Code) . . . not to exceed \$15;

19 (9) initial child support service fee paid to domestic
20 relations office in certain counties on filing of a suit affecting
21 the parent-child relationship, if authorized by the administering
22 entity (Sec. 203.005, Family Code) . . . not to exceed \$36;

23 (10) service fee for services of a domestic relations
24 office, if authorized by the administering entity (Sec. 203.005,
25 Family Code) . . . not to exceed \$3 per month;

26 (11) fee from a Title IV-D agency for each item of
27 process to each individual on whom service is required, including

1 service by certified or registered mail (Sec. 231.202, Family Code)
2 . . . the amount that a sheriff or constable may charge for serving
3 process under Section 118.131, Local Government Code;

4 ~~(12) [a copy of records of spousal or child support and~~
5 ~~fees administered in Dallas County if authorized by the local~~
6 ~~administrative judge (Sec. 152.0634, Human Resources Code) . . .~~
7 ~~not to exceed \$2 per page;~~

8 ~~[(13) collecting, disbursing, or monitoring spousal~~
9 ~~or child support payments in Dallas County (Sec. 152.0635, Human~~
10 ~~Resources Code) . . . not to exceed \$3 per month;~~

11 ~~[(14) fee for adoption, family, and home study~~
12 ~~investigations in an adoption in Dallas County (Sec. 152.0635,~~
13 ~~Human Resources Code) . . . not to exceed \$250;~~

14 ~~[(15)]~~ certain transactions with respect to a suit for
15 spousal support or a suit affecting the parent-child relationship
16 in Harris County, if authorized by the county commissioners court
17 (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per
18 transaction;

19 (13) ~~[(16)]~~ child support service fee in Nueces
20 County, if authorized by the county commissioners court (Sec.
21 152.1844, Human Resources Code) . . . not to exceed \$5 per month;

22 (14) ~~[(17)]~~ services by the offices of the sheriff and
23 constables (Sec. 118.131, Local Government Code) . . . amount set
24 by county commissioners court;

25 (15) ~~[(18)]~~ cost paid by each surety posting the bail
26 bond for an offense other than a misdemeanor punishable by fine only
27 under Chapter 17, Code of Criminal Procedure, for the felony

1 prosecutor supplement fund and the fair defense account (Sec.
2 41.258, Government Code) . . . \$15, provided the cost does not
3 exceed \$30 for all bail bonds posted at that time for an individual
4 and the cost is not required on the posting of a personal or cash
5 bond;

6 (16) [~~(19)~~] appraiser's fee as court costs for
7 determining the fair value of ownership interests of owners who
8 have perfected their rights (Sec. 10.365, Business Organizations
9 Code) . . . a reasonable fee; and

10 (17) [~~(20)~~] to participate in a court proceeding in
11 this state, a nonresident attorney fee for civil legal services to
12 the indigent (Sec. 82.0361, Government Code) . . . \$250 except as
13 waived or reduced under supreme court rules for representing an
14 indigent person.

15 SECTION 4. Sections 152.0634 and 152.0635, Human Resources
16 Code, are repealed.

17 SECTION 5. On October 1, 2005, the Dallas County domestic
18 relations office is established and the Dallas County child support
19 office and family court services department are abolished.

20 SECTION 6. This Act takes effect October 1, 2005.