

BILL ANALYSIS

S.B.433
By: Harris
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not authorize the court to award reasonable attorney's fees in a case regarding a post-decree qualified domestic relations order.

S.B.433 adds Section 9.106 to the Family Code to allow a court presiding over a post-decree qualified domestic relations order to award reasonable attorney's fees incurred by a party in a divorce or annulment proceeding. The court is authorized to order the payments to be made directly to the attorney and the order is enforceable by any means available for the enforcement of a debt.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 9.014, Family Code, as follows:

Sec. 9.014. ATTORNEY'S FEES. Authorizes the court to award reasonable attorney's fees, rather than attorney's fees as costs, in a proceeding under this subchapter (Post-Decree Qualified Domestic Relations Order).

SECTION 2. Amends Subchapter B, Chapter 9, Family Code, by adding Section 9.106, as follows:

Sec. 9.106. ATTORNEY'S FEES. Authorizes the court to award reasonable attorney's fees incurred by a party to a divorce or annulment against the other party thereof in a proceeding under this subchapter. Authorizes the court to order the fees to be paid directly to the attorney, who may enforce such order in the attorney's name by available means for the enforcement of a judgment of debt.

SECTION 3. Amends Section 9.205, Family Code, to make a conforming change.

SECTION 4. Makes application of this Act prospective.

SECTION 5. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.