

## **BILL ANALYSIS**

H.B. 3876  
By: Phillips  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law prohibits the court from finding a respondent in contempt for failure to pay child support if the respondent appears at the hearing with evidence showing that the respondent is current in the payment of child support. However, some obligors do not pay their child support until a motion for enforcement has been filed, then become current on their child support before the hearing, thus avoiding being held in contempt.

The petitioner in these cases is therefore left paying court costs and any attorney's fees the petitioner may have incurred by bringing the motion. This can be burdensome to the petitioner, especially if the petitioner must file several motions over time in order to make the respondent pay the child support.

H.B. 3876 allows a court to award court costs and attorney's fees to the petitioner in a child support enforcement proceeding even if the respondent is current in the payment of child support.

### **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**

H.B. 3876 amends the Family Code to authorize the court to award a petitioner their costs of court and reasonable and necessary attorney's fees in a failure to pay child support proceeding.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.