

BILL ANALYSIS

S.B. 1516
By: Watson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statute does not make it clear that a fee can be charged for serving a capias in a Title IV-D case. The proposed changes clarify that a fee can be paid for serving a capias in a Title IV-D case. The proposed changes clarify that a fee can be paid for serving processes and a fee can be paid for serving a capias.

Current statute does not allow the Title IV-D agency (the Office of the Attorney General) to pay a fee for the electronic filing of documents with the clerk. The proposed legislation gives specific statutory authority for the Title IV-D agency to pay any county imposed fee authorized under a county local rule for this service.

Sheriffs and constables expend resources in attempting to execute a child support capias, whether they are executed or not. S.B. 1516 provides a mechanism by which counties can be paid for the time and effort they expend in attempting to serve these capias. S.B. 1516 requires the Title IV-D agency to pay the fee for services provided by sheriffs and constables, including certain fees.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 231.202, Family Code, as follows:

Sec. 231.202. AUTHORIZED COSTS AND FEES IN THE TITLE IV-D CASES. Requires the Title IV-D agency to pay, in a Title IV-D case filed under this title, including a case filed under Chapter 159 (Uniform Interstate Family Support Act), the fee for services provided by sheriffs and constables, including a fee authorized under Section 118.131 (Fees Set by Commissioners Court), Local Government Code, for serving each item of process to each individual on whom service is required including service by certified or registered mail; and a fee authorized under Section 157.103(b) (relating to capias fees) for serving a capias; and a fee authorized under a local rule for the electronic filling of documents with a clerk. Deletes existing text requiring the Title IV-D agency to pay the fee that sheriffs and constables are authorized to charge for serving process under Section 118.131, Local Government Code, for each item of process to each individual on whom service is required, including service by certified or registered mail, to be paid to a sheriff, constable, or clerk whenever service of process is required. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.