

1-1 By: Phillips (Senate Sponsor - Harris) H.B. No. 3876
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on
1-4 Jurisprudence; May 23, 2009, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain enforcement actions alleging the failure to pay
1-9 child support.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 157.162, Family Code, is amended by
1-12 adding Subsection (e) to read as follows:

1-13 (e) Notwithstanding Subsection (d), the court may award the
1-14 petitioner costs of court and reasonable attorney's fees in a
1-15 proceeding described by that subsection if the court finds that:

1-16 (1) on the date the motion for enforcement was filed,
1-17 the respondent was not current in the payment of child support as
1-18 ordered by the court; and

1-19 (2) the respondent made the child support payments
1-20 described by Subsection (d) after the date the respondent was
1-21 served notice or otherwise discovered that the motion for
1-22 enforcement had been filed.

1-23 SECTION 2. The change in law made by this Act applies only
1-24 to a motion for enforcement that is filed on or after the effective
1-25 date of this Act. A motion for enforcement filed before the
1-26 effective date of this Act is governed by the law in effect
1-27 immediately before that date, and the former law is continued in
1-28 effect for that purpose.

1-29 SECTION 3. This Act takes effect September 1, 2009.

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