

## **BILL ANALYSIS**

H.B. 913  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding divorce or custody suits in which a party requests the removal of the case from state court to federal court in an attempt to delay the case, obtain an advantage, or cause damage and the lack of recourse for the non-removing party. H.B. 913 seeks to deter such conduct by providing for court authority to award attorney fees or costs for a suit if the court determines, among other conditions, that a case was removed to a federal court for the purpose of delaying the suit or avoiding an unfavorable decision, gaining an advantage over the other party, or causing damage to another party.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 913 amends the Family Code to authorize a court with jurisdiction of a suit for the dissolution of a marriage or a suit affecting the parent-child relationship, on its own motion or on the motion of a party, to award reasonable attorney's fees and costs of the suit, impose monetary sanctions, and take certain other authorized action, as prescribed by the bill, if a party removed the suit to federal court and the court with jurisdiction finds that the federal court has done the following:

- remanded the proceedings to state court;
- assessed attorney's fees or other costs of suit against the removing party or the removing party's counsel; and
- determined that the removal was frivolous or filed for one of the following purposes:
  - delaying the state court suit or avoiding an unfavorable decision by the state court;
  - gaining an advantage over another party in the state court suit; or
  - causing damage to another party in the state court suit.

The monetary sanctions may be imposed on the removing party, the removing party's attorney, or both. A judgment for attorney's fees and costs of the suit awarded to a party that did not remove the case to federal court may be enforced in the name of such a party's attorney by any means available for the enforcement of a judgment for debt.

### **EFFECTIVE DATE**

September 1, 2021.