

By: Dutton

H.B. No. 913

A BILL TO BE ENTITLED

AN ACT

relating to an award of costs and attorney's fees and the imposition of sanctions in certain suits for the dissolution of a marriage or affecting the parent-child relationship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 6, Family Code, is amended by adding Section 6.7081 to read as follows:

Sec. 6.7081. ATTORNEY'S FEES AND EXPENSES FOLLOWING REMOVAL IN CERTAIN CIRCUMSTANCES. (a) A court with jurisdiction of a suit filed under this chapter may, on its own motion or on the motion of a party, take action as provided under Subsection (b) if:

(1) a party previously removed the suit to federal court; and

(2) the court with jurisdiction finds that the federal court to which the case was removed has:

(A) remanded the proceedings to state court;

(B) assessed attorney's fees or other costs of suit against the removing party or the removing party's counsel; and

(C) determined that the removal was:

(i) frivolous;

(ii) filed for the purpose of delaying the state court suit or avoiding an unfavorable decision by the state court;

1 (iii) filed for the purpose of gaining an
2 advantage over another party in the state court suit; or

3 (iv) filed for the purpose of causing
4 damage to another party in the state court suit.

5 (b) If the court with jurisdiction of the suit makes a
6 finding described by Subsection (a), the court may:

7 (1) award to a party that did not remove the case to
8 federal court:

9 (A) the reasonable attorney's fees and expenses
10 incurred by the party due to the removal;

11 (B) other damages incurred by the party due to
12 the removal; and

13 (C) postjudgment interest on any attorney's
14 fees, costs, and damages awarded to the party;

15 (2) impose monetary sanctions on the party that
16 removed the case to federal court, the removing party's attorney,
17 or both the removing party and the removing party's attorney; and

18 (3) take any action as authorized by the Texas Rules of
19 Civil Procedure or other law regarding a party that files a
20 frivolous pleading or is determined to be a vexatious litigant.

21 (c) A judgment for attorney's fees and costs of the suit
22 awarded under this section may be enforced in the name of the
23 attorney for a party that did not remove the case to federal court
24 by any means available for the enforcement of a judgment for debt.

25 SECTION 2. Chapter 106, Family Code, is amended by adding
26 Section 106.003 to read as follows:

27 Sec. 106.003. ATTORNEY'S FEES AND EXPENSES FOLLOWING

1 REMOVAL IN CERTAIN CIRCUMSTANCES. (a) A court with jurisdiction of
2 a suit filed under this chapter may, on its own motion or on the
3 motion of a party, take action as provided under Subsection (b) if:

4 (1) a party previously removed the suit to federal
5 court; and

6 (2) the court with jurisdiction finds that the federal
7 court to which the case was removed has:

8 (A) remanded the proceedings to state court;

9 (B) assessed attorney's fees or other costs of
10 suit against the removing party or the removing party's counsel;
11 and

12 (C) determined that the removal was:

13 (i) frivolous;

14 (ii) filed for the purpose of delaying the
15 state court suit or avoiding an unfavorable decision by the state
16 court;

17 (iii) filed for the purpose of gaining an
18 advantage over another party in the state court suit; or

19 (iv) filed for the purpose of causing
20 damage to another party in the state court suit.

21 (b) If the court with jurisdiction of the suit makes a
22 finding described by Subsection (a), the court may:

23 (1) award to a party that did not remove the case to
24 federal court:

25 (A) the reasonable attorney's fees and expenses
26 incurred by the party due to the removal;

27 (B) other damages incurred by the party due to

1 the removal; and

2 (C) postjudgment interest on any attorney's
3 fees, costs, and damages awarded to the party;

4 (2) impose monetary sanctions on the party that
5 removed the case to federal court, the removing party's attorney,
6 or both the removing party and the removing party's attorney; and

7 (3) take any action as authorized by the Texas Rules of
8 Civil Procedure or other law regarding a party that files a
9 frivolous pleading or is determined to be a vexatious litigant.

10 (c) A judgment for attorney's fees and costs of the suit
11 awarded under this section may be enforced in the name of the
12 attorney for a party that did not remove the case to federal court
13 by any means available for the enforcement of a judgment for debt.

14 SECTION 3. The changes in law made by this Act apply only to
15 a suit for dissolution of a marriage or a suit affecting the
16 parent-child relationship filed on or after the effective date of
17 this Act. A suit for dissolution of a marriage or a suit affecting
18 the parent-child relationship filed before the effective date of
19 this Act is governed by the law in effect on the date the suit was
20 filed, and the former law is continued in effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2021.