

BILL ANALYSIS

H.B. 1546
By: Cook
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Representatives from the Family Law Foundation have expressed an interest in establishing consistency in Family Code provisions regarding the award of attorney's fees and court costs in proceedings relating to the marriage relationship, a child in relation to the family, protective orders and family violence, and a suit affecting the parent-child relationship. H.B. 1546 seeks to provide consistency in statutory language regarding reasonable and necessary attorney's fees, court costs, and expenses.

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. 1546 amends the Family Code to specify that a court, as applicable, may award or order or require payment of reasonable and necessary attorney's fees, court costs, and expenses in a proceeding under statutory provisions relating to the marriage relationship, a child in relation to the family, protective orders and family violence, and a suit affecting the parent-child relationship.

H.B. 1546 authorizes a court, in a proceeding relating to the termination, modification, or enforcement of a spousal maintenance order, to award reasonable and necessary attorney's fees, court costs, and expenses incurred by a party to the divorce or annulment. The bill authorizes the court to order the fees, costs, expenses, and any postjudgment interest, as applicable, in a proceeding under statutory provisions relating to the marriage relationship, protective orders, and a suit affecting the parent-child relationship to be paid directly to the attorney, who may enforce the order in the attorney's own name by any means available for the enforcement of a judgment for debt.

H.B. 1546 applies to a suit that is filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.