

By: Cook

H.B. No. 1546

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the recovery of fees, court costs, and expenses in
3 family law proceedings.

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

5 SECTION 1. Section 6.502(a), Family Code, is amended to
6 read as follows:

7 (a) While a suit for dissolution of a marriage is pending
8 and on the motion of a party or on the court's own motion after
9 notice and hearing, the court may render an appropriate order,
10 including the granting of a temporary injunction for the
11 preservation of the property and protection of the parties as
12 deemed necessary and equitable and including an order directed to
13 one or both parties:

14 (1) requiring a sworn inventory and appraisal of
15 the real and personal property owned or claimed by the parties and
16 specifying the form, manner, and substance of the inventory and
17 appraisal and list of debts and liabilities;

18 (2) requiring payments to be made for the support of
19 either spouse;

20 (3) requiring the production of books, papers,
21 documents, and tangible things by a party;

22 (4) ordering payment of reasonable and necessary
23 attorney's fees, court costs, and expenses;

24 (5) appointing a receiver for the preservation and

1 protection of the property of the parties;

2 (6) awarding one spouse exclusive occupancy of the
3 residence during the pendency of the case;

4 (7) prohibiting the parties, or either party, from
5 spending funds beyond an amount the court determines to be for
6 reasonable and necessary living expenses;

7 (8) awarding one spouse exclusive control of a party's
8 usual business or occupation; or

9 (9) prohibiting an act described by Section 6.501(a).

10 SECTION 2. The heading to Section 6.708, Family Code, is
11 amended to read as follows:

12 Sec. 6.708. [~~COSTS,~~] ATTORNEY'S FEES, COURT COSTS, AND
13 EXPENSES.

14 SECTION 3. Section 6.708(c), Family Code, is amended to
15 read as follows:

16 (c) In a suit for dissolution of a marriage, the court may
17 award reasonable and necessary attorney's fees, court costs, and
18 expenses. The court may order the fees, costs, [~~and~~] expenses, and
19 any postjudgment interest to be paid directly to the attorney, who
20 may enforce the order in the attorney's own name by any means
21 available for the enforcement of a judgment for debt.

22 SECTION 4. Section 6.709(a), Family Code, is amended to
23 read as follows:

24 (a) In a suit for dissolution of a marriage, on the motion of
25 a party or on the court's own motion, after notice and hearing, the
26 trial court may render a temporary order as considered equitable
27 and necessary for the preservation of the property and for the

1 protection of the parties during an appeal, including an order
2 directed toward one or both parties:

3 (1) requiring the support of either spouse;

4 (2) requiring the payment of reasonable and necessary
5 attorney's fees, court costs, and expenses;

6 (3) appointing a receiver for the preservation and
7 protection of the property of the parties;

8 (4) awarding one spouse exclusive occupancy of the
9 parties' residence pending the appeal;

10 (5) enjoining a party from dissipating or transferring
11 the property awarded to the other party in the trial court's
12 property division; or

13 (6) suspending the operation of all or part of the
14 property division that is being appealed.

15 SECTION 5. Section 8.0591(b), Family Code, is amended to
16 read as follows:

17 (b) An obligor may file a suit to recover overpaid
18 maintenance under Subsection (a). If the court finds that the
19 obligee failed to return overpaid maintenance under Subsection (a),
20 the court shall order the obligee to pay the obligor's reasonable
21 and necessary attorney's fees, ~~[and all]~~ court costs, and expenses
22 in addition to the amount of the overpaid maintenance. For good
23 cause shown, the court may waive the requirement that the obligee
24 pay attorney's fees, ~~[and]~~ court costs, and expenses if the court
25 states in its order the reasons supporting that finding.

26 SECTION 6. Subchapter B, Chapter 8, Family Code, is amended
27 by adding Section 8.063 to read as follows:

1 Sec. 8.063. ATTORNEY'S FEES, COURT COSTS, AND EXPENSES. In
2 a proceeding under Section 8.056, 8.057, or 8.059, the court may
3 award reasonable and necessary attorney's fees, court costs, and
4 expenses incurred by a party to the divorce or annulment. The court
5 may order the fees, costs, expenses, and any postjudgment interest
6 to be paid directly to the attorney, who may enforce the order in
7 the attorney's own name by any means available for the enforcement
8 of a judgment for debt.

9 SECTION 7. Section 8.206, Family Code, is amended by
10 amending Subsection (b) and adding Subsection (d) to read as
11 follows:

12 (b) An employer who receives, but does not comply with, an
13 order or writ of withholding is liable to:

14 (1) the obligee for any amount of spousal maintenance
15 not paid in compliance with the order or writ;

16 (2) the obligor for any amount withheld from the
17 obligor's disposable earnings, but not remitted to the obligee; and

18 (3) the obligee or obligor for reasonable and
19 necessary attorney's fees, ~~and~~ court costs, and expenses incurred
20 in recovering an amount described by Subdivision (1) or (2).

21 (d) The court may order the fees, costs, expenses, and any
22 postjudgment interest under Subsection (b)(3) to be paid directly
23 to the attorney, who may enforce the order in the attorney's own
24 name by any means available for the enforcement of a judgment for
25 debt.

26 SECTION 8. Section 8.208(c), Family Code, is amended to
27 read as follows:

1 (c) An employer who intentionally discharges an employee in
2 violation of this section is liable to that employee for current
3 wages, other employment benefits, and reasonable and necessary
4 attorney's fees, ~~and~~ court costs, and expenses incurred in
5 enforcing the employee's rights. The court may order the fees,
6 costs, expenses, and any postjudgment interest to be paid directly
7 to the attorney, who may enforce the order in the attorney's own
8 name by any means available for the enforcement of a judgment for
9 debt.

10 SECTION 9. Section 8.357, Family Code, is amended to read as
11 follows:

12 Sec. 8.357. ATTORNEY'S FEES, COURT ~~AND~~ COSTS, AND
13 EXPENSES. (a) In a proceeding under this subchapter, the court
14 may order the obligor to pay reasonable and necessary attorney's
15 fees, court costs, and expenses incurred by a party to obtain the
16 order~~[, all court costs,]~~ and all fees charged by a plan
17 administrator for the qualified domestic relations order or similar
18 order.

19 (b) Fees, ~~and~~ costs, and expenses ordered under this
20 section may be enforced by any means available for the enforcement
21 of a judgment for debt.

22 SECTION 10. Section 9.014, Family Code, is amended to read
23 as follows:

24 Sec. 9.014. ATTORNEY'S FEES, COURT COSTS, AND
25 EXPENSES. The court may award reasonable and necessary attorney's
26 fees, court costs, and expenses in a proceeding under this
27 subchapter. The court may order the attorney's fees, court costs,

1 and expenses to be paid directly to the attorney, who may enforce
2 the order [~~for fees~~] in the attorney's own name by any means
3 available for the enforcement of a judgment for debt.

4 SECTION 11. Section 9.106, Family Code, is amended to read
5 as follows:

6 Sec. 9.106. ATTORNEY'S FEES, COURT COSTS, AND EXPENSES. In
7 a proceeding under this subchapter, the court may award reasonable
8 and necessary attorney's fees, court costs, and expenses incurred
9 by a party to a divorce or annulment against the other party to the
10 divorce or annulment. The court may order the attorney's fees,
11 court costs, and expenses to be paid directly to the attorney, who
12 may enforce the order [~~for fees~~] in the attorney's own name by any
13 means available for the enforcement of a judgment for debt.

14 SECTION 12. Section 9.205, Family Code, is amended to read
15 as follows:

16 Sec. 9.205. ATTORNEY'S FEES, COURT COSTS, AND EXPENSES. In
17 a proceeding to divide property previously undivided in a decree of
18 divorce or annulment as provided by this subchapter, the court may
19 award reasonable and necessary attorney's fees, court costs, and
20 expenses. The court may order the attorney's fees, court costs,
21 and expenses to be paid directly to the attorney, who may enforce
22 the order in the attorney's own name by any means available for the
23 enforcement of a judgment for debt.

24 SECTION 13. Section 41.002, Family Code, is amended to read
25 as follows:

26 Sec. 41.002. LIMIT OF DAMAGES. Recovery for damage caused
27 by wilful and malicious conduct is limited to actual damages, not to

1 exceed \$25,000 per occurrence, plus reasonable and necessary
2 attorney's fees, court costs, and expenses [~~reasonable attorney's~~
3 ~~fees~~].

4 SECTION 14. Section 41.0025(a), Family Code, is amended to
5 read as follows:

6 (a) Notwithstanding Section 41.002, recovery of damages by
7 an inn or hotel for wilful and malicious conduct is limited to
8 actual damages, not to exceed \$25,000 per occurrence, plus
9 reasonable and necessary attorney's fees, court costs, and expenses
10 [~~reasonable attorney's fees~~].

11 SECTION 15. Section 42.006(a), Family Code, is amended to
12 read as follows:

13 (a) Damages may include:

14 (1) reasonable and necessary attorney's fees, court
15 [~~the actual~~] costs, and expenses incurred [~~, including attorney's~~
16 ~~fees,~~] in:

17 (A) locating a child who is the subject of the
18 order;

19 (B) recovering possession of the child if the
20 petitioner is entitled to possession; and

21 (C) enforcing the order and prosecuting the suit;
22 and

23 (2) mental suffering and anguish incurred by the
24 plaintiff because of a violation of the order.

25 SECTION 16. Section 42.009, Family Code, is amended to read
26 as follows:

27 Sec. 42.009. FRIVOLOUS SUIT. A person sued for damages as

1 provided by this chapter is entitled to recover reasonable and
2 necessary attorney's fees, ~~and~~ court costs, and expenses if:

3 (1) the claim for damages is dismissed or judgment is
4 awarded to the defendant; and

5 (2) the court or jury finds that the claim for damages
6 is frivolous, unreasonable, or without foundation.

7 SECTION 17. The heading to Section 81.005, Family Code, is
8 amended to read as follows:

9 Sec. 81.005. ATTORNEY'S FEES, COURT COSTS, AND EXPENSES.

10 SECTION 18. Section 81.005(a), Family Code, is amended to
11 read as follows:

12 (a) The court may assess reasonable and necessary
13 attorney's fees, court costs, and expenses against the party found
14 to have committed family violence or a party against whom an agreed
15 protective order is rendered under Section 85.005 as compensation
16 for the services of a private or prosecuting attorney or an attorney
17 employed by the Department of Family and Protective Services. The
18 court may order the fees, costs, expenses, and any postjudgment
19 interest to be paid directly to the attorney, who may enforce the
20 order in the attorney's own name by any means available for the
21 enforcement of a judgment for debt.

22 SECTION 19. Section 105.001(a), Family Code, is amended to
23 read as follows:

24 (a) In a suit, the court may make a temporary order,
25 including the modification of a prior temporary order, for the
26 safety and welfare of the child, including an order:

27 (1) for the temporary conservatorship of the child;

1 (2) for the temporary support of the child;

2 (3) restraining a party from disturbing the peace of
3 the child or another party;

4 (4) prohibiting a person from removing the child
5 beyond a geographical area identified by the court; or

6 (5) for payment of reasonable and necessary attorney's
7 fees, court costs, and expenses.

8 SECTION 20. Section [106.002](#), Family Code, is amended to
9 read as follows:

10 Sec. 106.002. ATTORNEY'S FEES, COURT COSTS, AND
11 EXPENSES. (a) In a suit or motion under this title and in a habeas
12 corpus proceeding, the court may render judgment for reasonable and
13 necessary attorney's fees, court costs, and expenses and order the
14 judgment and postjudgment interest to be paid directly to an
15 attorney.

16 (b) A judgment for attorney's fees, court costs, and
17 expenses may be enforced in the attorney's name by any means
18 available for the enforcement of a judgment for debt.

19 SECTION 21. Section [107.023](#), Family Code, is amended to
20 read as follows:

21 Sec. 107.023. FEES, COURT COSTS, AND EXPENSES IN SUITS
22 OTHER THAN SUITS BY GOVERNMENTAL ENTITY. (a) In a suit other than
23 a suit filed by a governmental entity requesting termination of the
24 parent-child relationship or appointment of the entity as
25 conservator of the child, in addition to the attorney's fees that
26 may be awarded under Chapter [106](#), the following persons are
27 entitled to reasonable and necessary fees, court costs, and

1 expenses in an amount set by the court and ordered to be paid by one
2 or more parties to the suit:

3 (1) an attorney appointed as an amicus attorney or as
4 an attorney ad litem for the child; and

5 (2) a professional who holds a relevant professional
6 license and who is appointed as guardian ad litem for the child,
7 other than a volunteer advocate.

8 (b) The court shall:

9 (1) determine the fees, costs, and expenses of an
10 amicus attorney, an attorney ad litem, or a guardian ad litem by
11 reference to the reasonable and customary fees for similar services
12 in the county of jurisdiction;

13 (2) order a reasonable cost deposit to be made at the
14 time the court makes the appointment; and

15 (3) before the final hearing, order an additional
16 amount to be paid to the credit of a trust account for the use and
17 benefit of the amicus attorney, attorney ad litem, or guardian ad
18 litem.

19 (c) A court may not award [~~costs~~] fees, costs, or expenses
20 to an amicus attorney, attorney ad litem, or guardian ad litem
21 against the state, a state agency, or a political subdivision of the
22 state under this part.

23 (d) The court may determine that fees, costs, and expenses
24 awarded under this subchapter to an amicus attorney, an attorney ad
25 litem for the child, or a guardian ad litem for the child are
26 necessities for the benefit of the child.

27 SECTION 22. Section 109.001(a), Family Code, is amended to

1 read as follows:

2 (a) In a suit affecting the parent-child relationship, on
3 the motion of any party or on the court's own motion and after
4 notice and hearing, the court may make any order necessary to
5 preserve and protect the safety and welfare of the child during the
6 pendency of an appeal as the court may deem necessary and
7 equitable. In addition to other matters, an order may:

8 (1) appoint temporary conservators for the child and
9 provide for possession of the child;

10 (2) require the temporary support of the child by a
11 party;

12 (3) enjoin a party from molesting or disturbing the
13 peace of the child or another party;

14 (4) prohibit a person from removing the child beyond a
15 geographical area identified by the court;

16 (5) require payment of reasonable and necessary
17 attorney's fees, court costs, and expenses; or

18 (6) suspend the operation of the order or judgment
19 that is being appealed.

20 SECTION 23. Section 152.208(c), Family Code, is amended to
21 read as follows:

22 (c) If a court dismisses a petition or stays a proceeding
23 because it declines to exercise its jurisdiction pursuant to
24 Subsection (a), it shall assess against the party seeking to invoke
25 its jurisdiction [~~necessary and~~] reasonable and necessary
26 attorney's fees, court costs, and expenses including [~~costs,~~]
27 communication expenses, [~~attorney's fees,~~] investigative fees,

1 expenses for witnesses, travel expenses, and child care during the
2 course of the proceedings, unless the party from whom fees are
3 sought establishes that the assessment would be clearly
4 inappropriate. The court may not assess fees, costs, or expenses
5 against this state unless authorized by law other than this
6 chapter.

7 SECTION 24. The heading to Section 152.312, Family Code, is
8 amended to read as follows:

9 Sec. 152.312. [~~COSTS,~~] FEES, COURT COSTS, AND EXPENSES.

10 SECTION 25. Section 152.312(a), Family Code, is amended to
11 read as follows:

12 (a) The court shall award the prevailing party, including a
13 state, [~~necessary and~~] reasonable and necessary attorney's fees,
14 court costs, and expenses incurred by or on behalf of the party,
15 including [~~costs,~~] communication expenses, [~~attorney's fees,~~]
16 investigative fees, expenses for witnesses, travel expenses, and
17 child care during the course of the proceedings, unless the party
18 from whom fees, costs, or expenses are sought establishes that the
19 award would be clearly inappropriate. The court may order the fees,
20 costs, expenses, and any postjudgment interest to be paid directly
21 to the attorney, who may enforce the order in the attorney's own
22 name by any means available for the enforcement of a judgment for
23 debt.

24 SECTION 26. Section 154.012(b), Family Code, is amended to
25 read as follows:

26 (b) An obligor may file a suit to recover a child support
27 payment under Subsection (a). If the court finds that the obligee

1 failed to return a child support payment under Subsection (a), the
2 court shall order the obligee to pay to the obligor reasonable and
3 necessary attorney's fees, ~~[and all]~~ court costs, and expenses in
4 addition to the amount of support paid after the date the child
5 support order terminated. The court may order the fees, costs,
6 expenses, and any postjudgment interest to be paid directly to the
7 attorney, who may enforce the order in the attorney's own name by
8 any means available for the enforcement of a judgment for debt. For
9 good cause shown, the court may waive the requirement that the
10 obligee pay attorney's fees, court ~~[and]~~ costs, and expenses if the
11 court states the reasons supporting that finding.

12 SECTION 27. Section 156.005, Family Code, is amended to
13 read as follows:

14 Sec. 156.005. FRIVOLOUS FILING OF SUIT FOR
15 MODIFICATION. Notwithstanding Rules 296 through 299, Texas Rules
16 of Civil Procedure, if the court finds that a suit for modification
17 is filed frivolously or is designed to harass a party, the court
18 shall state that finding in the order and assess reasonable and
19 necessary attorney's fees, court ~~[as]~~ costs, and expenses against
20 the offending party.

21 SECTION 28. Section 157.110(c), Family Code, is amended to
22 read as follows:

23 (c) The court may order that all or part of the forfeited
24 amount be applied to pay reasonable and necessary attorney's fees,
25 court ~~[and]~~ costs, and expenses incurred by the person or entity
26 bringing the motion for contempt or motion for forfeiture.

27 SECTION 29. Section 157.162(b), Family Code, is amended to

1 read as follows:

2 (b) A finding that the respondent is not in contempt does
3 not preclude the court from awarding the petitioner court costs and
4 reasonable and necessary attorney's fees, court costs, and expenses
5 or ordering any other enforcement remedy, including rendering a
6 money judgment, posting a bond or other security, or withholding
7 income. The court may order the fees, costs, expenses, and any
8 postjudgment interest to be paid directly to the attorney, who may
9 enforce the order in the attorney's own name by any means available
10 for the enforcement of a judgment for debt.

11 SECTION 30. Section 157.167, Family Code, is amended to
12 read as follows:

13 Sec. 157.167. RESPONDENT TO PAY ATTORNEY'S FEES, COURT
14 ~~[AND]~~ COSTS, AND EXPENSES. (a) If the court finds that the
15 respondent has failed to make child support payments, the court
16 shall order the respondent to pay the movant's reasonable and
17 necessary attorney's fees, ~~[and all]~~ court costs, and expenses in
18 addition to the arrearages. Fees, ~~[and]~~ costs, and expenses
19 ordered under this subsection may be enforced by any means
20 available for the enforcement of child support, including contempt.
21 The court may order the fees, costs, expenses, and any postjudgment
22 interest to be paid directly to the attorney, who may enforce the
23 order in the attorney's own name by any means available for the
24 enforcement of a judgment for debt.

25 (b) If the court finds that the respondent has failed to
26 comply with the terms of an order providing for the possession of or
27 access to a child, the court shall order the respondent to pay the

1 movant's reasonable and necessary attorney's fees, ~~[and all]~~ court
2 costs, and expenses in addition to any other remedy. If the court
3 finds that the enforcement of the order with which the respondent
4 failed to comply was necessary to ensure the child's physical or
5 emotional health or welfare, the fees, ~~[and]~~ costs, and expenses
6 ordered under this subsection may be enforced by any means
7 available for the enforcement of child support, including contempt,
8 but not including income withholding.

9 (c) Except as provided by Subsection (d), for good cause
10 shown, the court may waive the requirement that the respondent pay
11 reasonable and necessary attorney's fees, ~~[and]~~ costs, and expenses
12 if the court states the reasons supporting that finding.

13 (d) If the court finds that the respondent is in contempt of
14 court for failure or refusal to pay child support and that the
15 respondent owes \$20,000 or more in child support arrearages, the
16 court may not waive the requirement that the respondent pay
17 reasonable and necessary attorney's fees, ~~[and]~~ costs, and expenses
18 unless the court also finds that the respondent:

- 19 (1) is involuntarily unemployed or is disabled; and
20 (2) lacks the financial resources to pay the
21 attorney's fees, ~~[and]~~ costs, and expenses.

22 SECTION 31. Section [157.211](#), Family Code, is amended to
23 read as follows:

24 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. (a) If
25 the court places the respondent on community supervision and
26 suspends commitment, the terms and conditions of community
27 supervision may include the requirement that the respondent:

1 (1) report to the community supervision officer as
2 directed;

3 (2) permit the community supervision officer to visit
4 the respondent at the respondent's home or elsewhere;

5 (3) obtain counseling on financial planning, budget
6 management, conflict resolution, parenting skills, alcohol or drug
7 abuse, or other matters causing the respondent to fail to obey the
8 order;

9 (4) pay required child support and any child support
10 arrearages;

11 (5) pay reasonable and necessary ~~[court costs and]~~
12 attorney's fees, court costs, and expenses ordered by the court;

13 (6) seek employment assistance services offered by the
14 Texas Workforce Commission under Section [302.0035](#), Labor Code, if
15 appropriate; and

16 (7) participate in mediation or other services to
17 alleviate conditions that prevent the respondent from obeying the
18 court's order.

19 (b) The court may order the fees, costs, expenses, and any
20 postjudgment interest under Subsection (a)(5) to be paid directly
21 to the attorney, who may enforce the order in the attorney's own
22 name by any means available for the enforcement of a judgment for
23 debt.

24 SECTION 32. Section [157.268](#), Family Code, is amended to
25 read as follows:

26 Sec. 157.268. APPLICATION OF CHILD SUPPORT PAYMENT. Child
27 support collected shall be applied in the following order of

1 priority:

2 (1) current child support;

3 (2) non-delinquent child support owed;

4 (3) the principal amount of child support that has not
5 been confirmed and reduced to money judgment;

6 (4) the principal amount of child support that has
7 been confirmed and reduced to money judgment;

8 (5) interest on the principal amounts specified in
9 Subdivisions (3) and (4); and

10 (6) the amount of any ordered reasonable and necessary
11 attorney's fees, court [~~or~~] costs, expenses, or Title IV-D service
12 fees authorized under Section 231.103 for which the obligor is
13 responsible.

14 SECTION 33. Section 157.318(a), Family Code, is amended to
15 read as follows:

16 (a) Subject to Subsection (d), a lien is effective until all
17 current support and child support arrearages, including [~~interest,~~
18 ~~any costs and~~] reasonable and necessary attorney's fees, court
19 costs, expenses, postjudgment interest, and any Title IV-D service
20 fees authorized under Section 231.103 for which the obligor is
21 responsible, have been paid or the lien is otherwise released as
22 provided by this subchapter.

23 SECTION 34. Section 157.322(a), Family Code, is amended to
24 read as follows:

25 (a) On payment in full of the amount of child support due,
26 together with any [~~costs and~~] reasonable and necessary attorney's
27 fees, court costs, and expenses, the child support lien claimant

1 shall execute and deliver to the obligor or the obligor's attorney a
2 release of the child support lien.

3 SECTION 35. Section 157.323, Family Code, is amended by
4 amending Subsection (c) and adding Subsection (e) to read as
5 follows:

6 (c) If arrearages are owed by the obligor, the court shall:

7 (1) render judgment against the obligor for the amount
8 due, plus ~~[costs and]~~ reasonable and necessary attorney's fees,
9 court costs, and expenses;

10 (2) order any official authorized to levy execution to
11 satisfy reasonable and necessary attorney's fees, court costs,
12 expenses, and the lien~~[, costs, and attorney's fees]~~ by selling any
13 property on which a lien is established under this subchapter; or

14 (3) order an individual or organization in possession
15 of nonexempt personal property or cash owned by the obligor to
16 dispose of the property as the court may direct.

17 (e) The court may order the fees, costs, expenses, and any
18 postjudgment interest under Subsection (c)(1) or (2) to be paid
19 directly to the attorney, who may enforce the order in the
20 attorney's own name by any means available for the enforcement of a
21 judgment for debt.

22 SECTION 36. Section 157.330(b), Family Code, is amended to
23 read as follows:

24 (b) A claimant may recover ~~[costs and]~~ reasonable and
25 necessary attorney's fees, court costs, and expenses incurred in an
26 action under this section. The court may order the fees, costs,
27 expenses, and any postjudgment interest to be paid directly to the

1 attorney, who may enforce the order in the attorney's own name by
2 any means available for the enforcement of a judgment for debt.

3 SECTION 37. Section 157.507, Family Code, is amended to
4 read as follows:

5 Sec. 157.507. ATTORNEY'S FEES, COURT [~~AND~~] COSTS, AND
6 EXPENSES. (a) In a proceeding under this subchapter, the court
7 may order the obligor to pay reasonable and necessary attorney's
8 fees, court costs, and expenses incurred by a party to obtain the
9 order[~~, all court costs,~~] and all fees charged by a plan
10 administrator for the qualified domestic relations order or similar
11 order.

12 (b) Fees, [~~and~~] costs, and expenses ordered under this
13 section may be enforced by any means available for the enforcement
14 of child support, including contempt.

15 SECTION 38. The heading to Section 158.0051, Family Code,
16 is amended to read as follows:

17 Sec. 158.0051. ORDER FOR WITHHOLDING FOR ATTORNEY'S [~~COSTS~~
18 ~~AND~~] FEES, COURT COSTS, AND EXPENSES.

19 SECTION 39. Sections 158.0051(a) and (c), Family Code, are
20 amended to read as follows:

21 (a) In addition to an order for income to be withheld for
22 child support, including child support and child support
23 arrearages, the court may render an order that income be withheld
24 from the disposable earnings of the obligor to be applied towards
25 the satisfaction of any ordered reasonable and necessary attorney's
26 fees, court [~~and~~] costs, and expenses resulting from an action to
27 enforce child support under this title.

1 (c) The court shall order that amounts withheld for fees,
2 [~~and~~] costs, and expenses under this section be remitted directly
3 to the person entitled to the ordered attorney's fees, [~~or~~] costs,
4 or expenses or be paid through a local registry for disbursement to
5 that person.

6 SECTION 40. Section 158.102, Family Code, is amended to
7 read as follows:

8 Sec. 158.102. TIME LIMITATIONS. An order or writ for
9 income withholding under this chapter may be issued until all
10 current support and child support arrearages, interest, and any
11 applicable fees and costs, including ordered reasonable and
12 necessary attorney's fees, [~~and~~] court costs, and expenses, have
13 been paid.

14 SECTION 41. Section 158.206, Family Code, is amended by
15 amending Subsection (b) and adding Subsection (d) to read as
16 follows:

17 (b) An employer receiving an order or writ of withholding
18 who does not comply with the order or writ is liable:

19 (1) to the obligee for the amount not paid in
20 compliance with the order or writ, including the amount the obligor
21 is required to pay for health insurance or dental insurance under
22 Chapter 154;

23 (2) to the obligor for:

24 (A) the amount withheld and not paid as required
25 by the order or writ; and

26 (B) an amount equal to the interest that accrues
27 under Section 157.265 on the amount withheld and not paid; and

1 (3) for reasonable and necessary attorney's fees,
2 [~~and~~] court costs, and expenses.

3 (d) The court may order the fees, costs, and expenses under
4 Subsection (b)(3) and any postjudgment interest under Subsection
5 (b)(2)(B) to be paid directly to the attorney, who may enforce the
6 order in the attorney's own name by any means available for the
7 enforcement of a judgment for debt.

8 SECTION 42. Section 158.209(c), Family Code, is amended to
9 read as follows:

10 (c) If an employer intentionally discharges an employee in
11 violation of this section, the employer continues to be liable to
12 the employee for current wages and other benefits and for
13 reasonable and necessary attorney's fees, [~~and~~] court costs, and
14 expenses incurred in enforcing the employee's rights as provided in
15 this section. The court may order the fees, costs, expenses, and any
16 postjudgment interest to be paid directly to the attorney, who may
17 enforce the order in the attorney's own name by any means available
18 for the enforcement of a judgment for debt.

19 SECTION 43. Section 159.305, Family Code, is amended by
20 amending Subsection (b) and adding Subsection (g) to read as
21 follows:

22 (b) A responding tribunal of this state, to the extent not
23 prohibited by other law, may do one or more of the following:

24 (1) establish or enforce a support order, modify a
25 child support order, determine the controlling child support order,
26 or determine parentage of a child;

27 (2) order an obligor to comply with a support order,

- 1 specifying the amount and the manner of compliance;
- 2 (3) order income withholding;
- 3 (4) determine the amount of any arrearages and specify
4 a method of payment;
- 5 (5) enforce orders by civil or criminal contempt, or
6 both;
- 7 (6) set aside property for satisfaction of the support
8 order;
- 9 (7) place liens and order execution on the obligor's
10 property;
- 11 (8) order an obligor to keep the tribunal informed of
12 the obligor's current residential address, electronic mail
13 address, telephone number, employer, address of employment, and
14 telephone number at the place of employment;
- 15 (9) issue a bench warrant or capias for an obligor who
16 has failed after proper notice to appear at a hearing ordered by the
17 tribunal and enter the bench warrant or capias in any local and
18 state computer systems for criminal warrants;
- 19 (10) order the obligor to seek appropriate employment
20 by specified methods;
- 21 (11) award reasonable and necessary attorney's fees,
22 court costs, expenses, and other fees [~~and costs~~]; and
- 23 (12) grant any other available remedy.
- 24 (g) The court may order the fees, costs, expenses, and any
25 postjudgment interest under Subsection (b)(11) to be paid directly
26 to the attorney, who may enforce the order in the attorney's own
27 name by any means available for the enforcement of a judgment for

1 debt.

2 SECTION 44. The heading to Section 159.313, Family Code, is
3 amended to read as follows:

4 Sec. 159.313. [~~COSTS AND~~] FEES, COSTS, AND EXPENSES.

5 SECTION 45. Sections 159.313(b) and (c), Family Code, are
6 amended to read as follows:

7 (b) If an obligee prevails, a responding tribunal of this
8 state may assess against an obligor [~~filing fees,~~] reasonable and
9 necessary attorney's fees, court costs, expenses, filing fees,
10 other costs, and necessary travel and other reasonable expenses
11 incurred by the obligee and the obligee's witnesses. The tribunal
12 may not assess fees, costs, or expenses against the obligee or the
13 support enforcement agency of either the initiating or responding
14 state or foreign country, except as provided by other
15 law. Attorney's fees may be taxed as costs, and may be ordered paid
16 directly to the attorney, who may enforce the order in the
17 attorney's own name. Payment of support owed to the obligee has
18 priority over fees, costs, and expenses.

19 (c) The tribunal shall order the payment of [~~costs and~~]
20 reasonable and necessary attorney's fees, court costs, and expenses
21 if it determines that a hearing was requested primarily for
22 delay. In a proceeding under Subchapter G, a hearing is presumed
23 to have been requested primarily for delay if a registered support
24 order is confirmed or enforced without change.

25 SECTION 46. The heading to Section 160.636, Family Code, is
26 amended to read as follows:

27 Sec. 160.636. ORDER ADJUDICATING PARENTAGE; FEES, COSTS,

1 AND EXPENSES.

2 SECTION 47. Section 160.636(c), Family Code, is amended to
3 read as follows:

4 (c) Except as otherwise provided by Subsection (d), the
5 court may assess [~~filing fees,~~] reasonable and necessary attorney's
6 fees, court costs, expenses, filing fees, fees for genetic testing,
7 other costs, and necessary travel and other reasonable expenses
8 incurred in a proceeding under this subchapter. Attorney's fees
9 awarded by the court may be paid directly to the attorney. An
10 attorney who is awarded attorney's fees may enforce the order in the
11 attorney's own name by any means available for the enforcement of a
12 judgment for debt.

13 SECTION 48. Section 160.762(d), Family Code, is amended to
14 read as follows:

15 (d) The court may assess [~~filing fees,~~] reasonable and
16 necessary attorney's fees, court costs, expenses, filing fees, fees
17 for genetic testing, other costs, and necessary travel and other
18 reasonable expenses incurred in a proceeding under this
19 section. Attorney's fees awarded by the court may be paid directly
20 to the attorney. An attorney who is awarded attorney's fees may
21 enforce the order in the attorney's own name by any means available
22 for the enforcement of a judgment for debt.

23 SECTION 49. Section 231.006(f), Family Code, is amended to
24 read as follows:

25 (f) If the certificate required under Subsection (d) is
26 shown to be false, the vendor is liable to the state for reasonable
27 and necessary attorney's fees, court costs, expenses, the costs

1 necessary to complete the contract, including the cost of
2 advertising and awarding a second contract, and any other damages
3 provided by law or contract.

4 SECTION 50. Section [231.211](#), Family Code, is amended to
5 read as follows:

6 Sec. 231.211. AWARD OF ATTORNEY'S FEES, COURT COSTS, AND
7 EXPENSES [~~COST~~] AGAINST NONPREVAILING PARTY IN TITLE IV-D
8 CASE. (a) At the conclusion of a Title IV-D case, the court may
9 assess reasonable and necessary attorney's fees, ~~[and all]~~ court
10 costs, and expenses as authorized by law against the nonprevailing
11 party, except that the court may not assess those amounts against
12 the Title IV-D agency or a private attorney or political
13 subdivision that has entered into a contract under this chapter or
14 any party to whom the agency has provided services under this
15 chapter. [~~Such fees and costs may not exceed reasonable and~~
16 ~~necessary costs as determined by the court.~~]

17 (b) The clerk of the court may take any action necessary to
18 collect any fees, ~~[or]~~ costs, or expenses assessed under this
19 section.

20 SECTION 51. Section [231.303](#)(c), Family Code, is amended to
21 read as follows:

22 (c) A court may compel compliance with an administrative
23 subpoena and with any administrative fine for failure to comply
24 with the subpoena and may award reasonable and necessary attorney's
25 fees, ~~[and]~~ costs, and expenses to the Title IV-D agency in
26 enforcing an administrative subpoena on proof that an individual or
27 organization failed without good cause to comply with the subpoena.

1 SECTION 52. Section 261.107(d), Family Code, is amended to
2 read as follows:

3 (d) The court shall order a person who is convicted of an
4 offense under Subsection (a) to pay any reasonable and necessary
5 attorney's fees, court costs, and expenses incurred by the person
6 who was falsely accused of abuse or neglect in any proceeding
7 relating to the false report.

8 SECTION 53. Sections 261.108(b) and (c), Family Code, are
9 amended to read as follows:

10 (b) A court shall award a defendant reasonable and necessary
11 attorney's fees, court costs, and other expenses related to the
12 defense of a claim filed against the defendant for damages or other
13 relief arising from reporting or assisting in the investigation of
14 a report under this chapter or participating in a judicial
15 proceeding resulting from the report if:

16 (1) the court finds that the claim is frivolous,
17 unreasonable, or without foundation because the defendant is immune
18 from liability under Section 261.106; and

19 (2) the claim is dismissed or judgment is rendered for
20 the defendant.

21 (c) To recover under this section, the defendant must, at
22 any time after the filing of a claim, file a written motion stating
23 that:

24 (1) the claim is frivolous, unreasonable, or without
25 foundation because the defendant is immune from liability under
26 Section 261.106; and

27 (2) the defendant requests the court to award

1 reasonable and necessary attorney's fees, court costs, and other
2 expenses related to the defense of the claim.

3 SECTION 54. Section 261.110, Family Code, is amended by
4 amending Subsection (d) and adding Subsection (n) to read as
5 follows:

6 (d) A plaintiff who prevails in a suit under this section
7 may recover:

8 (1) actual damages, including damages for mental
9 anguish even if an injury other than mental anguish is not shown;

10 (2) exemplary damages under Chapter 41, Civil Practice
11 and Remedies Code, if the employer is a private employer; and

12 (3) [~~court costs, and~~

13 [~~(4)~~] reasonable and necessary attorney's fees, court
14 costs, and expenses.

15 (n) The court may order the fees, costs, expenses, and any
16 postjudgment interest under Subsection (d)(3) to be paid directly
17 to the attorney, who may enforce the order in the attorney's own
18 name by any means available for the enforcement of a judgment for
19 debt.

20 SECTION 55. Section 264.852(d), Family Code, is amended to
21 read as follows:

22 (d) A permanency care assistance agreement may provide for
23 reimbursement of the nonrecurring expenses a kinship provider
24 incurs in obtaining permanent managing conservatorship of a foster
25 child, including attorney's fees, [~~and~~] court costs, and
26 expenses. The reimbursement of the nonrecurring expenses under
27 this subsection may not exceed \$2,000.

1 SECTION 56. The change in law made by this Act applies to a
2 suit that is filed on or after the effective date of this Act. A suit
3 filed before the effective date of this Act is governed by the law
4 in effect on the date the suit was filed, and the former law is
5 continued in effect for that purpose.

6 SECTION 57. This Act takes effect September 1, 2023.