

By: Cook

H.B. No. 2524

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of fees, court costs, and expenses in family law proceedings.

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

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

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

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

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

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

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

(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:

(c) An employer who intentionally discharges an employee in violation of this section is liable to that employee for current wages, other employment benefits, and reasonable and necessary attorney's fees, ~~and~~ court costs, and expenses incurred in enforcing the employee's rights. The court may order the fees, costs, expenses, and any postjudgment interest 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.

SECTION 9. Section [8.357](#), Family Code, is amended to read as follows:

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

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

SECTION 10. Section [9.014](#), Family Code, is amended to read as follows:

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

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

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

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

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

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

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

(a) The court may assess reasonable and necessary attorney's fees, court costs, and expenses against the party found to have committed family violence or a party against whom an agreed protective order is rendered under Section 85.005 as compensation for the services of a private or prosecuting attorney or an attorney employed by the Department of Family and Protective Services. The court may order the fees, costs, expenses, and any postjudgment interest 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.

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

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

(1) for the temporary conservatorship of the child;

(2) for the temporary support of the child;

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

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

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

SECTION 20. Section 106.002, Family Code, is amended to read as follows:

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

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

SECTION 21. Section 107.023, Family Code, is amended to read as follows:

Sec. 107.023. FEES, COURT COSTS, AND EXPENSES IN SUITS OTHER THAN SUITS BY GOVERNMENTAL ENTITY. (a) In a suit other than a suit filed by a governmental entity requesting termination of the parent-child relationship or appointment of the entity as conservator of the child, in addition to the attorney's fees that may be awarded under Chapter 106, the following persons are 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) A lien is effective until all current support and child
17 support arrearages, including ~~[interest, any costs and]~~ reasonable
18 and necessary attorney's fees, court costs, expenses, postjudgment
19 interest, and any Title IV-D service fees authorized under Section
20 231.103 for which the obligor is responsible, have been paid or the
21 lien is otherwise released as provided by this subchapter.

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

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

1 release of the child support lien.

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

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

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

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

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

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

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

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

1 any means available for the enforcement of a judgment for debt.

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

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

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

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

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

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

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

27 (c) The court shall order that amounts withheld for fees,

1 ~~[and]~~ costs, and expenses under this section be remitted directly
2 to the person entitled to the ordered attorney's fees, ~~[or]~~ costs,
3 or expenses or be paid through a local registry for disbursement to
4 that person.

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

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

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

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

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

22 (2) to the obligor for:

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

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

27 (3) for reasonable and necessary attorney's fees,

1 ~~[and]~~ court costs, and expenses.

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

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

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

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

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

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

26 (2) order an obligor to comply with a support order,
27 specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant or capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant or capias in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable and necessary attorney's fees, court costs, expenses, and other fees [~~and costs~~]; and

(12) grant any other available remedy.

(g) The court may order the fees, costs, expenses, and any postjudgment interest under Subsection (b)(11) 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.

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

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

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

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

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

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

Sec. 160.636. ORDER ADJUDICATING PARENTAGE; FEES, COSTS, AND EXPENSES.

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

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

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

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

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

(f) If the certificate required under Subsection (d) is shown to be false, the vendor is liable to the state for reasonable and necessary attorney's fees, court costs, expenses, the costs necessary to complete the contract, including the cost of

1 advertising and awarding a second contract, and any other damages
2 provided by law or contract.

3 SECTION 50. Section 231.211, Family Code, is amended to
4 read as follows:

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

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

19 SECTION 51. Section 231.303(c), Family Code, is amended to
20 read as follows:

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

27 SECTION 52. Section 261.107(d), Family Code, is amended to

1 read as follows:

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

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

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

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

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

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

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

26 (2) the defendant requests the court to award
27 reasonable and necessary attorney's fees, court costs, and other

1 expenses related to the defense of the claim.

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

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

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

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

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

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

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

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

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

27 SECTION 56. The change in law made by this Act applies to a

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1 suit that is filed on or after the effective date of this Act. A suit
2 filed before the effective date of this Act is governed by the law
3 in effect on the date the suit was filed, and the former law is
4 continued in effect for that purpose.

5 SECTION 57. This Act takes effect September 1, 2025.