

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4424
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Jurisprudence
5/21/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A domestic relations office is governed by Chapter 203 (Domestic Relations Offices), Family Code, which authorizes county governments to provide services for families, courts, and county departments at county expense. These offices assist district courts and families in the areas of child support, visitation, medical support, custody evaluations, adoptions, and a variety of other functions that support district courts.

The domestic relations office receives funding through the collection of a fee by the clerk of a court at the time a suit is filed. There is a difference of opinion among district clerks as to the definition of a "suit," which has resulted in uneven application of the fee collection authority among counties. For example, one county assesses the fee only on the filing of an original suit while another county assesses the fee on the filing of an original suit or the modification of an original suit. Some counties assess the fee on an original suit, a modification, and a motion for enforcement.

This legislation clarifies that domestic relations office fees are limited to operations or service fees and are to be collected at the time of the original suit, a motion for modification, or a motion for enforcement.

C.S.H.B. 4424 relates to operations fees and child support service fees assessed by domestic relations offices.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 110.006, Family Code, as follows:

Sec. 110.006. New heading: DOMESTIC RELATIONS OFFICE OPERATIONS FEES AND CHILD SUPPORT SERVICE FEES. (a) Creates this subsection from existing text. Requires the clerk of the court, if an administering entity of a domestic relations office adopts an initial operations fee under Section 203.005(a)(1) (relating to an initial operations fee not to exceed \$15 to be paid to the domestic relations office), rather than Section 203.005(a)(1) or an initial child support service fee under Section 203.005(a)(2) (relating to an initial child support service fee not to exceed \$36 to be paid to the domestic relations office), to collect the operations fee at the time the original suit, motion for modification, or motion for enforcement, as applicable, is filed and send the fee to the domestic relations office.

(b) Requires the clerk of the court, if an administering entity of a domestic relations office adopts an initial child support service fee under Section 203.005(a)(2), to collect the child support service fee at the time the original suit is filed and send the fee to the domestic relations office.

(c) Provides that the fees described by Subsections (a) and (b) are not filing fees for purposes of Section 110.002 (Filing Fees and Deposits) or 110.003 (No Separate or Additional Filing Fee).

SECTION 2. Amends Section 203.005(a), Family Code, to authorize the administering entity to authorize a domestic relations office to assess and collect an initial operations fee not to exceed \$15 to be paid to the domestic relations office on each filing of an original suit, motion for modification, or motion for enforcement, and in a county that has a child support enforcement cooperative agreement with the Title IV-D agency, an initial child support service fee not to exceed \$36 to be paid to the domestic relations office on the filing of an original suit, and certain other fees.

SECTION 3. Effective date: upon passage or September 1, 2009.