

**SUBJECT:** Payments for statement of facts in family law cases

**COMMITTEE:** Juvenile Justice and Family Issues - committee substitute recommended

**VOTE:** 8 ayes — Goodman, Cook, Brady, H. Cuellar, De La Garza, Naishtat, Puente, Van de Putte

0 nays

1 absent — Williamson

**SENATE VOTE:** On final passage, April 20 — 31-0

**WITNESSES:** None

**BACKGROUND:** Family Code sec. 109.003 requires, in Harris County only, a trial court, upon a finding that a party is indigent, to order the county to pay the costs associated with preparing the statement of facts for a party who has appealed a suit affecting the parent-child relationship and filed an affidavit of inability to pay.

**DIGEST:** SB 512 would make Family Code sec. 109.003 apply to all counties and make it optional for a trial court to order a county to pay costs associated with preparing a statement of facts in an appeal of a suit affecting the parent-child relationship. The bill would take effect September 1, 1995, and apply to payment for statements of facts in which an affidavit stating a party's inability to pay costs is filed on or after the effective date.

**SUPPORTERS SAY:** SB 512 would extend statewide a procedure that has worked well in Harris County. Testimony before the Joint Interim Committee on the Family Code indicated that in numerous documented cases, deputy court reporters have been required to spend weeks reproducing statements of fact for indigents appealing parent-child suits, including paying for exhibits, without recovering anything for their services.

Harris County paid an estimated \$12,000 or less in fiscal 1994 for costs associated with the preparation of statement of facts materials. This cost is

minimal compared to the potential losses from nonpayment to deputy family court reporters who depend solely on the income generated by projects such as preparing statement of facts. Failing to get paid for preparing such documents can result in extreme financial hardship for these professionals.

**OPPONENTS  
SAY:**

The state should not let trial courts mandate that counties must pay any costs, regardless of how minimal, without providing a state appropriation to off-set the loss of county revenue.

**NOTES:**

The committee substitute was redrafted to conform the Senate-passed version to the recodification of Title 2 of the Family Code made by HB 655 by Goodman, enacted earlier this session.