

BILL ANALYSIS

Senate Research Center
81R16556 JSC-F

H.B. 3876
By: Phillips (Harris)
Jurisprudence
5/19/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits the court from finding a respondent in contempt for failure to pay child support if the respondent appears at the hearing and shows that the respondent is current in the payment of child support.

However, some obligors do not pay their child support until a motion for enforcement has been filed; once the motion is filed, they become current on their child support before the hearing, thus avoiding being held in contempt. The petitioner in these cases is left paying court costs and any attorney's fees the petitioner may have incurred by bringing the motion. This can be burdensome to the petitioner, especially if the petitioner must file several motions over time in order to force the respondent to pay the child support.

H.B. 3876 allows the court to award court costs and attorney's fees to the petitioner in a child support enforcement proceeding if the respondent was not current on the date the motion was filed but became current after becoming aware of the motion.

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 157.162, Family Code, by adding Subsection (e) to authorize the court, notwithstanding Subsection (d) (relating to prohibiting the court from finding a respondent in contempt of court for failure to pay child support under certain circumstances), to award the petitioner costs of court and reasonable attorney's fees in a proceeding described by that subsection if the court finds that on the date the motion for enforcement was filed, the respondent was not current in the payment of child support as ordered by the court and the respondent made the child support payments described by Subsection (d) after the date the respondent was served notice or otherwise discovered that the motion for enforcement had been filed.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.