

- SUBJECT:** Requiring the Title IV-D agency to pay certain fees in a Title IV-D case
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Hunter, Hughes, Alonzo, Hartnett, Jackson, Leibowitz, Lewis, Madden, Martinez
- 0 nays
- 2 absent — Branch, Woolley
- SENATE VOTE:** On final passage, April 16 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 2008:*)
For — (*Registered, but did not testify:* Ron Hickman, Justices of the Peace and Constable’s Association of Texas; Mark Mendez, Tarrant County; Merri Nichols, Texas Family Law Foundation; Jimmy Vaught)
- Against — None
- BACKGROUND:** Under Family Code, sec. 231.202, the Title IV-D agency (the Office of the Attorney General) must pay a number of filing fees and fees for issuance and service of process in Title IV-D cases. Title IV-D cases are cases involving suits affecting the parent-child relationship and child support orders.
- A “capias” is a writ issued by a court or clerk commanding a peace officer of Texas to arrest a person accused of an offense and bring the person before the court that issued the capias.
- County sheriffs and constables expend monetary and manpower resources in attempting to execute a child support capias in Title IV-D cases. Unfortunately, current law does not specifically authorize or require the Title IV-D agency to pay a fee for serving a capias.
- DIGEST:** SB 1516 would amend Family Code, sec. 231.201 to require the Title IV-D agency (the Office of the Attorney General), in a Title IV-D case, to pay the following filing fees and fees for issuance of service of process:

- a fee authorized under Family Code, sec. 157.103(b) for serving a *capias*; and
- a fee authorized under a local rule for the electronic filing of documents with a clerk.

The bill also would make a nonsubstantive change to Family Code, sec. 231.202 to specify that the Title IV-D agency would have to pay a fee authorized under Local Government Code, sec. 118.131 for serving each item of process to each individual on whom service was required, including service by certified or registered mail.

SB 1516 would apply only to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the bill's September 1, 2009 effective date.

NOTES:

The companion bill, HB 2008 by Bolton, was heard by the Judiciary and Civil Jurisprudence Committee on April 22 and left pending.