

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS AT EL PASO

In the Matter of the Name Change of A.J.G., a Child v. the State of Texas

No. 08-26-00070-CV · No. 08-26-00070-CV · Decided April 22, 2026

SUMMARY

The Eighth District Court of Appeals considered a motion for review of an order requiring Y.S. to pay reduced court costs in a minor child name-change proceeding. The court held that the trial court failed to comply with Texas Rule of Civil Procedure 145 by not conducting the required oral evidentiary hearing, providing adequate notice, or making detailed findings regarding the declarant’s ability to pay. The court reversed the order and directed the trial court to allow Y.S. to proceed without payment of court costs or fees.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas at El Paso
WRITING FOR THE COURT	Lisa J. Soto; Yvonne T. Salas Mendoza, Chief Justice; Palafox, Justice; Lisa J. Soto, Justice
JURISDICTION	Texas Court of Appeals, Eighth District, El Paso
DECIDED	April 22, 2026
DOCKET	08-26-00070-CV
DISPOSITION	reversed
PROCEDURAL POSTURE	Y.S. appealed the trial court's order requiring her to pay reduced court costs in connection with her petition to change her minor child's name. The court of appeals construed the appeal as a motion for review under Texas Rule of Civil Procedure 145(f) and (g)(1).
STANDARD OF REVIEW	An order determining a party's ability to pay court costs is reviewed for abuse of discretion. A trial court abuses its discretion when it acts arbitrarily or unreasonably or without reference to guiding rules or principles; for factual issues, abuse of discretion exists when the record establishes that the trial court could reasonably have reached only one decision and failed to do so.
PRECEDENTIAL VALUE	Published opinion; precedential under applicable Texas law.
PARTIES	Y.S. v. the State of Texas

TOPICS

costs appellate procedure civil procedure due process family law

PRACTICE AREAS

civil procedure appellate procedure family law constitutional law

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by ordering Y.S. to pay reduced court costs without complying with the oral-hearing, notice, and detailed-findings requirements of Texas Rule of Civil Procedure 145.
2. Whether the uncontroverted evidence established as a matter of law that Y.S. was entitled to proceed without payment of court costs or fees.
3. Whether remand for a Rule 145 hearing and findings was necessary.

HOLDINGS

1. A declarant who files a statement of inability to afford court costs may not be ordered to pay costs unless the trial court conducts the oral evidentiary hearing required by Rule 145.
2. A trial court may not order a declarant to pay reduced costs without detailed findings explaining how the declarant can afford to pay.
3. Y.S. was entitled to proceed without paying court costs or fees because her sworn statement and supporting evidence were uncontroverted and established her inability to pay.

KEY QUOTATIONS

“A statement of inability to pay that is uncontested or uncontroverted in the trial court is conclusive as a matter of law.” (6)

“The central inquiry under rule 145 ‘is not merely whether [the declarant] can pay costs, but whether [he] can afford to pay costs’ and still pay for ‘basic essentials, like housing or food.’” (8)

“In sum, the trial court abused its discretion by failing to follow the requirements of Rule 145 and by disregarding Y.S.’s sworn declaration and supporting evidence, which established that not only was she receiving public assistance, but that her monthly expenses exceeded her income.” (12)

FACTUAL BACKGROUND

Y.S. filed a petition to change her minor child's name and a sworn statement asserting that she and her dependents received public benefits, that her income was limited, and that her monthly expenses exceeded her income. The district clerk and court reporter did not contest the statement, but the trial court ordered Y.S. to pay \$400 in reduced costs based on information concerning income, child support, home ownership, and a roofing business. The record did not show that the trial court conducted the required oral evidentiary hearing or considered Y.S.'s monthly expenses in determining her ability to pay.

PROCEDURAL HISTORY

Y.S. filed a petition for a name change and a sworn Statement of Inability to Afford Payment of Court Costs. The trial court ordered her to pay \$400 in reduced costs after purportedly conducting an interview and oral evidentiary hearing, but the appellate record contained no record of an evidentiary hearing and no detailed findings explaining her ability to pay. The court of appeals granted review, reversed the order, and directed the trial court to allow Y.S. to proceed without paying costs or fees.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The trial court was directed to allow Y.S. to proceed with her petition for name change without payment of court costs or fees. The court of appeals expressly determined that remand for a further evidentiary hearing and findings was unnecessary.

CASES CITED

- In re C.J.S., 383 S.W.3d 682, 693 (Tex. App.—Houston [14th Dist.] 2012, no pet.)
- Coleman v. State, 696 S.W.3d 148, 152 (Tex. App.—Beaumont 2023, no pet.)
- Matter of Marriage of Duke & Terrell, No. 04-23-00144-CV, 2024 WL 1292414, at *1 (Tex. App.—San Antonio Mar. 27, 2024, no pet.)
- In re L.R.P., No. 08-24-00126-CV, 2024 WL 3189669, at *1-*3 (Tex. App.—El Paso June 26, 2024, no pet.)
- Boddie v. Connecticut, 401 U.S. 371, 380 (1971)
- Higgins v. Randall Cnty. Sheriff's Office, 257 S.W.3d 684, 686, 688-89 (Tex. 2008)
- Griffin Indus., Inc. v. Honorable Thirteenth Court of Appeals, 934 S.W.2d 349, 352-53 (Tex. 1996)
- Booker v. Mahmoudi, No. 05-19-00048-CV, 2019 WL 2266667, at *2-*3 (Tex. App.—Dallas May 24, 2019, no pet.)
- Equitable Gen. Co. Ins. v. Yates, 684 S.W.2d 669, 671 (Tex. 1984)
- Strickland v. iHeartMedia, Inc., 668 S.W.3d 34, 36-38 (Tex. App.—San Antonio 2022, no pet.)
- Basaldua v. Hadden, 298 S.W.3d 238, 241 (Tex. App.—San Antonio 2009, no pet.)
- In re C.H.C., 331 S.W.3d 426, 429 (Tex. 2011)
- In re A.R.M., No. 05-17-00651-CV, 2017 WL 2962830, at *2 (Tex. App.—Dallas 2017, no pet.)
- Burns v. Rowe, No. 03-25-00744-CV, 2025 WL 3465956, at *1 (Tex. App.—Austin Dec. 3, 2025, order) (per curiam)
- Allred v. Lowry, 597 S.W.2d 353, 355 (Tex. 1980) (orig. proceeding)
- Goffney v. Lowry, 554 S.W.2d 157, 159-60 (Tex. 1977) (orig. proceeding)
- Pinchback v. Hockless, 164 S.W.2d 19, 20 (Tex. Comm'n App. 1942)
- In re R.S., No. 05-24-00575-CV, 2024 WL 4223700, at *1 (Tex. App.—Dallas Sept. 18, 2024, no pet.)
- Garza v. Garza, 155 S.W.3d 471, 475-76 (Tex. App.—San Antonio 2004, no pet.)

- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992)
- Emerson v. Holly Lake Ranch Ass'n, 603 S.W.3d 172, 174 (Tex. App.—Texarkana 2020, no pet.)
- Espinoza v. FGMS Holdings, LLC, No. 13-25-00650-CV, 2026 WL 199369, at *4 (Tex. App.—Corpus Christi Jan. 26, 2026, no pet.)
- Matter of D.A.M.-F., No. 08-25-00320-CV, 2026 WL 391746, at *2-*3 (Tex. App.—El Paso Feb. 11, 2026, no pet.)
- Hollingsworth v. Walaal Corp., No. 05-17-00555-CV, 2017 WL 2492788, at *2-*3 (Tex. App.—Dallas June 9, 2017, no pet.) (mem. op.)
- In re S.V., No. 05-23-00324-CV, 2025 WL 2898007, at *2 (Tex. App.—Dallas Oct. 10, 2025, pet. denied)
- In re S.T., 239 S.W.3d 452, 457 (Tex. App.—Waco 2007, order) (per curiam)
- Sansom v. Sprinkle, 799 S.W.2d 776, 778 (Tex. App.—Fort Worth 1990, no writ)

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