

SUPREME COURT OF TEXAS

The Office of the Attorney General of Texas v. Danny J. Lee

92 S.W.3d 526 (Tex. 2002) · No. No. 01-0471 · Decided December 5, 2002

SUMMARY

The Supreme Court of Texas held that child-support judgments accrue postjudgment interest automatically under the applicable statute, even when the judgment does not expressly award interest. The court also held that the Office of the Attorney General, acting as a Title IV-D agency, is not required to pay appellate filing fees unless expressly authorized by the Family Code. The court reversed the court of appeals and remanded the case to the trial court.

CASE DETAILS

COURT	Supreme Court of Texas
JURISDICTION	Texas
DECIDED	December 5, 2002
DOCKET	No. 01-0471
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Office of the Attorney General petitioned for review of a court of appeals judgment affirming a trial court order that rejected the Attorney General's claim for postjudgment interest on child-support arrearages and permanently stayed an administrative writ of withholding.
STANDARD OF REVIEW	The opinion applies de novo statutory construction principles, construing the relevant statutes according to their plain and unambiguous language.
PRECEDENTIAL VALUE	Published Texas Supreme Court opinion; precedential.
PARTIES	The Office of the Attorney General of Texas v. Danny J. Lee

TOPICS

- child support
- statutory interpretation
- appellate procedure
- family law procedure
- remedies

PRACTICE AREAS

- family law
- child support
- appellate procedure
- statutory interpretation
- remedies

QUESTIONS PRESENTED

1. Whether a child-support judgment accrues postjudgment interest when the judgment does not expressly award such interest.
2. Whether the Office of the Attorney General, acting as a Title IV-D agency, is required to pay appellate filing fees in a Title IV-D appeal.

HOLDINGS

1. A child-support judgment, like any other monetary judgment, automatically accrues statutory postjudgment interest even when the judgment does not expressly award interest.
2. The Office of the Attorney General, when acting as a Title IV-D agency, is not required to pay appellate filing fees unless the Family Code expressly authorizes those fees.

KEY QUOTATIONS

“We conclude that child-support judgments, like all other monetary judgments, accrue postjudgment interest.” (92 S.W.3d at 527)

“Instead, under the statute, interest accrues automatically once a court renders its judgment.” (92 S.W.3d at 528)

“As a result, we are bound by section 231.204’s general rule prohibiting the collection of fees from a Title IV-D agency unless expressly provided by subchapter C and hold that the Attorney General is not required to pay appellate filing fees in this case.” (92 S.W.3d at 529)

FACTUAL BACKGROUND

Danny J. Lee and his wife divorced in 1980, and the district court ordered Lee to pay child support. In 1987, the district court entered judgment that Lee owed \$16,900 in child-support arrearages and ordered withholding from his earnings; the judgment did not expressly award postjudgment interest. In 1998, the Attorney General sought to collect more than \$5,000 in interest through an administrative writ of withholding, which Lee challenged.

PROCEDURAL HISTORY

After a 1987 judgment established child-support arrearages, the Attorney General issued an administrative writ of withholding in 1998 and sought to collect more than \$5,000 in accrued postjudgment interest. The trial court adopted findings that resulted in only a \$13.12 net arrearage, ordered the Attorney General to take nothing, and stayed the writ. The court of appeals affirmed and held that adding postjudgment interest would impermissibly modify a final judgment; it also required the Attorney General to pay part of the appellate filing fee. The Supreme Court of Texas granted review, reversed, and remanded to the trial court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the trial court for proceedings consistent with the Supreme Court's opinion.

CASES CITED

- Lenz v. Lenz, 79 S.W.3d 10, 19 (Tex. 2002)
- Cameron v. Terrell & Garrett, Inc., 618 S.W.2d 535, 540 (Tex. 1981)
- Mauzy v. Legislative Redistricting Bd., 471 S.W.2d 570, 572 (Tex. 1971)
- 47 S.W.3d 693, 695
- 36 S.W.3d 702, 704, 708

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