



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-15-00287-CV

IN THE INTEREST OF S.M.-R., A
CHILD

FROM THE 231ST DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 231-556936-14

DISSENTING AND CONCURRING OPINION

I join the majority in the disposition of Mother's first two points, but I dissent from both the majority's disposition of her third point and its failure to modify the trial court's judgment.

Mother sought Title IV-D genetic testing and child support services from the Office of the Attorney General (the State) after receiving correspondence from the State indicating that they "needed to open a case because [she and the child] had medical support through the State and food stamps. So they said they had to open up a case for the paternity. So that's when all this started." The

State filed the underlying lawsuit asking that Father be ordered to pay current and retroactive child support to Mother.

Mother's third point and the State's second issue (responding to Mother's third point), when taken together, make clear that the trial court abused its discretion by ordering Mother to pay one-half of the court costs.¹ I would modify the trial court's judgment by deleting that order and instead ordering that Father pay all court costs instead of one-half of the court costs. I would then affirm the trial court's judgment as modified.

Because the majority affirms the trial court's judgment without so modifying it, I respectfully dissent.

/s/ Lee Ann Dauphinot

LEE ANN DAUPHINOT
JUSTICE

DELIVERED: November 23, 2016

¹See Tex. Fam. Code Ann. § 231.211(a) (West 2014); *In re Naylor*, 160 S.W.3d 292, 296 (Tex. App.—Texarkana 2005, pet. denied).