

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-23-00572-CV

Kristine McFadden, Appellant

v.

Dustin Travis Webb, Appellee

**FROM THE 207TH DISTRICT COURT OF COMAL COUNTY
NO. C2018-1707B, THE HONORABLE CHARLES A. STEPHENS II, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Kristine McFadden filed a notice of appeal from a final order in a suit to modify the parent-child relationship, which has been docketed in this Court as cause number 03-23-00428-CV. That same day, McFadden filed a statement of inability to pay court costs. *See* Tex. R. Civ. P. 145 (“Payment of Costs Not Required”); *see also* Tex. R. App. P. 20.1 (providing procedure for establishing inability to pay court costs on appeal). In response, the court reporter filed a contest to McFadden’s statement, and the matter was set for an evidentiary hearing. *See* Tex. R. Civ. P. 145(e), (f). Following the hearing, the trial court signed an order on September 10, 2023, sustaining the contest and requiring McFadden to pay court costs. The trial court later issued detailed findings as to McFadden’s income and expenses and concluded

that, based on these findings, she can afford to pay court costs. *See id.* R. 145(f)(2) (detailed findings required).

McFadden has filed a motion challenging the trial court’s order, as amended on December 8, 2023, sustaining the challenge to her statement of inability to afford payment of court costs.¹ *See* Tex. R. Civ. P. 145(g). Having reviewed the motion and the record, we cannot conclude that the trial court’s order constitutes an abuse of discretion. *See Basaldua v. Hadden*, 298 S.W.3d 238, 241 (Tex. App.—San Antonio 2009, no pet.) (reviewing trial court’s order sustaining contest to indigency under abuse-of-discretion standard); *see also Bui v. Beck & Co. Real Estate Servs., Inc.*, No. 03-16-00882-CV, 2017 WL 279615, at *2 (Tex. App.—Austin Jan. 19, 2017, no pet.) (mem. op.) (per curiam) (same). Accordingly, we deny McFadden’s motion and affirm the trial court’s order. *See* Tex. R. Civ. P. 145(g)(4).

Before Justices Baker, Triana, and Kelly

Filed: January 12, 2024

¹ McFadden initially sought review of the trial court’s September 10, 2023 order. *See McFadden v. Webb*, No. 03-23-00572-CV, 2023 Tex. App. LEXIS 8707, at *8 (Tex. App.—Austin Nov. 20, 2023, order) (per curiam). On review, we concluded that the trial court had failed to make detailed findings in support of its decision to sustain the contest to McFadden’s statement, as required by subsection (f) of Rule 145. *Id.*; *see also* Tex. R. Civ. P. 145(f)(2). On abatement, as directed by this Court, the trial court issued fact findings and incorporated those findings into its amended order.