

SUBJECT: Conforming the Uniform Interstate Family Support Act to federal law

COMMITTEE: Juvenile Justice and Family Issues— favorable, without amendment

VOTE: 8 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, A. Reyna, Smith, Williams

0 nays

1 absent — Naishtat

SENATE VOTE: On final passage, Local and Uncontested Calendar, March 13 — 31-0

WITNESSES: (*On House companion, HB 957*)

For — None

Against — None

On — John J. Sampson

BACKGROUND : The Uniform Interstate Family Support Act (UIFSA) was created to facilitate interstate enforcement of child support orders. In 1993, Texas adopted UIFSA as Chapter 159 of the Texas Family Code. In 1996, the National Conference of Commissioners on Uniform State Laws adopted amendments to UIFSA. The U.S. Congress later enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which requires all states to have in effect by January 1, 1998, UIFSA exactly as it was originally written and amended. States that fail to meet the act's requirements will lose eligibility for federal funding of child support enforcement. Texas receives approximately \$70 million annually in such federal funds.

DIGEST: SB 426 would make several substantive and nonsubstantive changes to the Family Code to conform it to the exact language of UIFSA as it was approved and amended. Substantive changes would address:

- **Multiple child support orders** — A party could request a Texas court to determine which of multiple child support orders issued for the same obligor and child by state courts controlled. The party would have to fulfill certain requirements, including giving notice to other parties. The court would have to state the basis for its determination in an order. A party obtaining an order would have to file a certified copy with each court that issued a child support order. Failure to do so would subject the party to sanctions but would not affect the validity or enforceability of the order.
- **Out-of-state income-withholding orders** — SB 426 would delineate the terms with which an obligor's employer would have to comply and provide a process through which employers receiving multiple income-withholding orders for the same obligor could establish priorities. Employers that complied with valid out-of-state income-withholding orders would not be subject to civil liability; those that wilfully failed to comply with such orders would be subject to the same penalty imposed for noncompliance with Texas income-withholding orders.
- **Jurisdiction over foreign child support orders** — Texas courts could modify orders issued by foreign countries without laws similar to UIFSA. Also, if all individual parties resided in Texas and the child did not reside in the state that issued the support order, a Texas court would have jurisdiction to enforce and modify the order in a proceeding to register it in Texas. A party obtaining a modification would have to file a certified copy with the issuing court; failure to do so would subject the party to sanctions but would not affect the validity or enforceability of the order.

- **Interstate enforcement** — Parties would no longer have to provide a Texas court with a certified copy of the law of another state that issued a child support order before that law would govern the order. A party filing a petition for interstate enforcement of a child support order could not be required to pay a filing fee or other costs.

SB 426 would take effect September 1, 1997.