

- SUBJECT:** Releasing a child support lien for partial payment
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 5 ayes — Dutton, Goodman, Y. Davis, Dunnam, J. Moreno, Strama
0 nays
3 absent — Castro, Nixon, Thompson
- WITNESSES:** None
- BACKGROUND:** Under current law, a claimant may enforce payment of child support by a lien against certain property for all amounts of overdue support, even if the arrearages have not been reduced to a judgment. The lien attaches to all real property of the obligor, other than the homestead, and all personal property that is not exempt from creditors' claims under the Texas Constitution. The lien automatically attaches to property acquired in the future as well, and to claims for negligence or personal injury held by the obligor. The lien is in addition to other remedies.
- The Family Code provides for a discretionary release of a child support lien. However, it does not require parties to put into writing an agreement for release of a child support lien in an amount less than the amount of the full debt, which could later create a dispute as to whether a release actually took place.
- DIGEST:** CSHB 2351 would allow a claimant to enter into a written agreement with the obligor for release of a child support lien for an amount less than the full amount owed by the obligor, including any costs or attorney's fees. The release would be submitted to the Attorney General's Office and state the amount of child support paid by the obligor prior to the release date and whether that amount included interest. A copy of the written agreement showing that the lesser amount would be considered satisfactory for the total amount of child support owed would accompany the release.

The release would not prevent future imposition of a child support lien on the same property or other property owned by the obligor for child support arrearages that accrue after the date the release is executed.

This bill would take effect on September 1, 2005, and would apply only to a child support lien release executed on or after the effective date.

NOTES:

The substitute modifies a different section of the code than the filed version.