

SUBJECT: Considering resources of each parent determining child support payments

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

VOTE: 5 ayes — Eiland, Farias, Farrar, Gonzalez Toureilles, Hernandez

0 nays

4 absent — Dutton, Bolton, Strama, Vaught

WITNESSES: For — Sally Emerson, Texas Family Law Foundation; Roy Getting, Texas Fathers Alliance; Robert L. Green, Texas Parents Alliance; Dean Metusalem, Financial Analyst; Drew Montz, Financial Analyst; Eddie Rueffer, Texas Parents Alliance; Doug Woodburn, Texas Family Law Foundation; (*Registered, but did not testify*: Sudhir Joshi ; Chris Mire)

Against — None

On — John J. Sampson

BACKGROUND: Family Code, sec. 154.122 states that the amount of a periodic child support payment established by the child support guidelines in effect in this state at the time of the hearing is presumed to be reasonable and an order of support conforming to the guidelines is presumed to be in the best interest of the child. However, a court may determine that the application of the guidelines would be unjust or inappropriate under the circumstances.

Sec. 154.123(b) contains a number of additional factors for the court to consider in entering an order for child support payments. These include the age and needs of the child, child care expenses, the ability of the parents to contribute to the support of child, and the amount of the obligee's net resources, including the earning potential of an obligee who is intentionally unemployed or underemployed.

DIGEST: HB 773 would amend Family Code, sec. 154.122 to require that before entering an order of support conforming to the child support guidelines, which would be presumed to be reasonable, the court would have to determine whether the application of the guidelines would be unjust or

inappropriate under the circumstances. In making the determination, a court would have to consider the financial resources available to each parent of the child and each other relevant factor, including the factors listed in sec. 154.123(b), to assess whether the guidelines were in the best interest of the child.

The bill would take effect September 1, 2007, and would apply only to a suit commenced on or after that date.