

SUBJECT: Requiring TDCJ to accept child support orders from courts and others

COMMITTEE: Corrections — favorable, without amendment

VOTE: 9 ayes — McReynolds, Madden, England, Hodge, Kolkhorst, Marquez, Martinez, Ortiz, Sheffield

0 nays

1 present not voting — Dutton

1 absent — S. Miller

WITNESSES: For — (*Registered, but did not testify*: Jannett Gonzales)

Against — None

On — Bryan Collier and Jerry McGinty, Texas Department of Criminal Justice; Lourdes Flores, Austin Travis County Reentry Roundtable; Alicia Key, Office of the Attorney General; Ana Yanez-Correa, Texas Criminal Justice Coalition

BACKGROUND: Under Government Code sec. 501.014(e), the Texas Department of Criminal Justice (TDCJ) is required to withdraw from an inmate's trust fund account any amount of money that the inmate is ordered to pay by court order. TDCJ is required to make payments as ordered by the court to either the court or another party specified by the court. Orders for payment for child support are the first priority for withdraws and payments from inmate accounts.

DIGEST: HB 2415 would require TDCJ, upon receipt of a valid court order requiring an inmate to pay child support, to withdraw the appropriate money from the inmate's trust fund account, regardless of who provides the order.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 2415 could help increase child support payments from prison inmates while easing the burden on those who are owed the payments. Currently, TDCJ responds to orders for child support payments from offenders that come from the Attorney General's Office or that come directly from a court. The agency withdraws the court-ordered amount from an inmate's trust fund account, which most commonly is used by offenders to make purchases from the commissary. If the amount to be withdrawn exceeds the balance, TDCJ places a hold on the account until the amount is reached.

However, in some cases, court orders are lost or do not make it to TDCJ for other reasons. HB 2415 would require TDCJ to respond to valid court orders sent from others so that those owed child support would not have to depend on the courts or the attorney general to get an order to TDCJ and would not have to deal with those bureaucracies if an order has been lost or fallen through the cracks. While the actions authorized by HB 2415 may occur rarely, it is important to set up a process so that more children can receive the support they are due.

TDCJ would establish a process to verify the court orders it receives to ensure it responded only to valid orders. It is highly unlikely that anyone would try to fraudulently obtain money through the route established by HB 2415. If so, penalties for tampering with government records or forgery would be sufficient to deter people from trying and to punish anyone who did.

**OPPONENTS
SAY:**

The current process for sending court orders for child support payment to TDCJ works well and should not be changed. Limiting those from whom TDCJ must accept orders to the attorney general and the courts simplifies the verification process for the agency and ensures that TDCJ receives the most recent valid orders. It could be difficult for TDCJ to determine the validity of orders coming from other sources and whether it had the most recent one.