

SUBJECT: Attorney general periodic review of child support guidelines

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 10 ayes — Jackson, Lewis, Bohac, S. Davis, Hartnett, Madden, Raymond, Scott, Thompson, Woolley

0 nays

1 present, not voting — Castro

WITNESSES: For — (*Registered, but did not testify:* Steve Bresnen, Texas Family Law Foundation)

Against — None

On — Alicia Key, Office of the Attorney General

BACKGROUND: Under federal law, 42 U.S.C., sec. 667, each state must establish guidelines for child support award amounts and review the guidelines at least once every four years to ensure they result in appropriate award amounts. Texas Family Code, sec. 111.001 directs that before each regular legislative session, the standing committees of each house of the Legislature with jurisdiction over family law issues review the guidelines for child support and for possession of and access to a child.

The Office of the Attorney General (OAG) is required to submit a report to the legislative committees with jurisdiction over family law issues no later than December 1 of each even-numbered year. The report must contain economic data on raising children, an analysis of case data on application of and deviations from child support guidelines, and a summary of relevant federal legislation since the last review

DIGEST: HB 1970 would require the OAG to review the child support guidelines at least once every four years and report the results of the review and any recommendations for changes to the guidelines to the legislative committees with jurisdiction over family law issues.

The OAG no longer would be required to submit a report on guidelines for possession of and access to a child nor specifically to include economic data on the cost of raising children, an analysis of case data on the application of and deviations from the child support guidelines, nor a summary of any federal legislation enacted since the date of the last review.

The bill would take effect on September 1, 2011.

**SUPPORTERS
SAY:**

As the state agency designated to provide child support services, the OAG would be best equipped to conduct the federally mandated review of the child support guidelines and to make recommendations to the Legislature on changes to the guidelines. The OAG currently provides data but not analysis or recommendations, which has led to confusion about what to do with the data. By offering recommendations for changes, the OAG would be providing more useful information and guidance to the Legislature.

HB 1970 would not limit public input on the child support guidelines. Any recommendations by the OAG would require legislative action to go into effect. Hearings would be conducted on any relevant bills.

While HB 1970 no longer would require the report from the OAG to contain economic data on the cost of raising children and an analysis of case data under state law, this would continue to be required under federal law.

**OPPONENTS
SAY:**

Under current law, the Legislature is directly responsible for periodic review of the child support guidelines, which is the best way to ensure that the process is open to public comment. HB 1970 would involve the OAG in this review and also allow the OAG to make recommendations, without any requirement for public comment or input.