

- SUBJECT:** Designating special needs trusts for adult children with disabilities
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 8 ayes — Dutton, Murr, Bowers, Calanni, Cyrier, Dean, Shine, Talarico
0 nays
- WITNESSES:** For — Rachel Reuter, Texas Family Law Foundation; (*Registered, but did not testify*: Amy Bresnen and Ashley Butler, Texas Family Law Foundation; Alexis Tatum, Travis County Commissioners Court)

Against — None

On — (*Registered, but did not testify*: Joel Rogers, Office of the Attorney General Child Support Division)
- BACKGROUND:** Family Code sec. 154.302 allows for courts to order one or both parents of a disabled child to provide for the support of the child indefinitely if the court finds that:
- the child requires substantial care and personal supervision due to a mental or physical disability and will not be capable of self-support; and
 - the child's disability exists or is known to exist prior to the child's 18th birthday.
- A court ordering support under these criteria must designate a parent of the child or other person having custody or guardianship of the child to receive support for the child. The court may designate a child 18 years of age or older to receive support directly.
- Some have suggested there is a lack of guidance in the Family Code regarding the payment of child support to a special needs trust.

DIGEST:

CSHB 558 would allow courts that ordered support for an adult child with a disability to designate a special needs trust and provide that the support could directly be paid to the trust for the benefit of the adult child. The court would be required to order that support payable to the special needs trust be paid directly to the trust and could not order the support be paid to the state disbursement unit. These provisions would not apply in a Title IV-D case.

The bill would take effect September 1, 2019.