

SUBJECT: Requiring timely notification of modifications to child support orders

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

VOTE: 7 ayes — Neave, Swanson, Cook, Frank, Ramos, Talarico, Vasut

0 nays

2 absent — Leach, Wu

WITNESSES: For — None

Against — None

On — Liz Kromrei, Department of Family and Protective Services; Joel Rogers, Office of the Attorney General-Child Support Division

BACKGROUND: Under Family Code sec. 154.001, governing court-ordered child support, the court may order either or both parents to make periodic payments for the support of a child in a proceeding in which the Department of Family and Protective Services (DFPS) is named temporary managing conservator. In a proceeding in which DFPS is named permanent managing conservator of a child whose parents' rights have not been terminated, the court must order each parent that is financially able to make periodic payments for the support of the child.

DIGEST: HB 1227 would require a court that modifies an existing order for financial support of a child by requiring that payments be made to DFPS to notify to the Office of the Attorney General (OAG) no later than the 10th day after the order was rendered.

The bill would take effect September 1, 2021, and would apply only to a proceeding that was pending in a trial court on or filed on or after the effective date.

SUPPORTERS HB 1227 would help ensure that child support payments were sent to the

SAY: proper recipient in a timely manner by requiring courts to notify the Office of the Attorney General's Child Support Division within 10 days of a modification to an order for financial support to require that payments be made to DFPS.

Often, when a child is taken into custody of the Department of Family and Protective Services (DFPS), the child may be receiving support from a non-custodial parent because of an existing court order, but current law does not provide a deadline by which the Office of the Attorney General must be notified of a change in that court order. If the child were placed with a family member, those payments would be given to the kinship placement, but in some circumstances children have been removed from kinship placements due to lack of funds caused by delays in the processing of modified orders.

By requiring courts to notify the Office of the Attorney General directly and within 10 days of a modification to a financial support order in these cases, HB 1227 could help prevent situations in which children were shuttled from placement to placement due to lack of financial support.

CRITICS
SAY: No concerns identified