

SUBJECT: Revising certain procedures under Texas' Title IV-D program

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

VOTE: 9 ayes — Neave, Swanson, Cook, Frank, Leach, Ramos, Talarico, Vasut,
Wu

0 nays

WITNESSES: For — Angela Igrisan, Dallas County Domestic Relations Office; Jane McMahon, Harris County Domestic Relations Office; Clint Dupew, Tarrant County Domestic Relations Office; (*Registered, but did not testify*: Ender Reed, Harris County Commissioners Court)

Against — None

On — Joel Rogers, Office of the Attorney General - Child Support Division; Taran Champagne

BACKGROUND: Family Code ch. 231 governs Texas' Title IV-D program, and the Office of the Attorney General is the state's Title IV-D agency in charge of managing child support enforcement.

Family Code sec. 105.008 requires that the state case registry be provided with a record of a court order for child support, which must include information provided by the parties on a form developed by the Title IV-D agency. The form must be completed by the petitioner and submitted to the clerk at the time the order is filed for record.

Sec. 111.001 requires that at least once every four years, the Title IV-D agency must review the child support guidelines under Family Code ch. 154, which governs child support, and report the results of the review and any recommendations for changes to the standing committees of the House and Senate with jurisdiction over family law issues.

Sec 231.001 governs the development of the statewide integrated child

support system (ICSS) and allows the Title IV-D agency to contract with any county meeting technical system requirements necessary to comply with federal law for provision of Title IV-D services in that county. All new cases entered in such county after the effective date of a monitoring contract are Title IV-D cases, and any other case in the county may be included as a Title IV-D case if certain requirements are met.

Sec. 231.104 governs the assignment of the right to support in relation to the Title IV-D agency.

Sec. 233.018 establishes that if a negotiation conference results in an agreement of the parties, each party must sign the child support review order and the order must contain as to each party a waiver by the party of the right to service of process and a court hearing, the mailing address of the party, and a statement of acknowledgement and understanding.

The federal waiver allowing certain child support cases to be opened as Title IV-D cases without an application for service is set to expire, and interested parties have suggested that revisions to certain processes and requirements related to Texas' Title IV-D program are needed in order to continue providing counties with child support services and to address barriers to the implementation of the child support review process.

DIGEST: HB 2953 would make revisions to certain processes and requirements related to Texas' Title IV-D program, including revisions to the record of support form and the designation of cases pursuant to such forms, the signing and content of agreed orders, assignment of support rights, service requirements, and time frames for a judge to sign certain orders.

Title IV-D record of support form. The Title IV-D form completed and submitted under Family Code sec. 105.008 by a petitioner to the clerk of the court at the time the support order was filed could include an option for a party to apply for child support services provided by the Office of the Attorney General (OAG). If a party applied for such services, the party or the party's authorized representative would be required to sign the form.

The clerk of the court of a county participating in the statewide integrated child support system (ICSS) for the provision of Title IV-D services would be required to use the record of support order form that included an option for the obligee or obligor to apply for child support services provided by the OAG. The form would be used instead of the automatic Title IV-D designation that new cases with support orders in participating counties currently receive.

Agreed support orders. After entering an agreed child support review order, the bill would allow a party to sign the required waiver of the right to service of process and a court hearing using a digitized signature. The waiver would have to be sworn before a notary public or executed using an unsworn declaration under applicable law.

The bill also would require that the mailing address of a party be omitted from the order if the order contained an agreed finding, or had previously made a finding, that requiring a party to provide certain information to another party would likely cause the child or a conservator harassment, abuse, serious harm, or injury, or subject the child or a conservator to family violence, and that finding had not been superseded.

On the filing of an agreed child support review order signed by all parties, together with waiver of service, the court would have until the seventh day after the filing of the order, instead of the third, to sign the order. The order would be considered confirmed by the court by operation of law on expiration of the seventh day after the filing of the order, regardless of whether the court signed the order.

Assignment of support rights. The bill would establish that filing a notice of assignment of support rights, a notice of change of payee under applicable law, or a pleading by the OAG in a suit affecting the parent-child relationship would be evidence of the assignment of support rights to the OAG in that cause and would be admissible as evidence of the truth of the assignment of support rights without requiring further authentication or verification.

Other provisions. HB 2953 would require that medical and dental support be included in the record of the court order for child support that would be provided for the state case registry.

The bill would include a reference to federal regulations providing guidelines for setting child support with the existing referenced federal regulations that require the OAG to review child support guidelines once every four years.

The clerk of court would be allowed to deliver by a method of court-ordered substituted service a copy of the petition for confirmation of a nonagreed review order and a copy of the order to each party entitled to service.

The bill's provisions related to the Title IV-D record of support form and how that form would be used by counties would apply to a suit affecting the parent-child relationship pending in a trial court on, or filed on or after, the effective date of the bill.

The bill's provisions related to substituted service for nonagreed order petitions and the extension of time for a judge to sign an agreed order would apply only to a petition or agreed order filed on or after the effective date of the bill.

The bill would take effect September 1, 2021.