

BILL ANALYSIS

Senate Research Center

S.B. 1161
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Jurisprudence
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As Filed

DIGEST

Currently, Title IV-D of the federal Social Security Act provides federal funding for states that participate in child support enforcement programs. The Texas Attorney General's Office, the state's designated Title IV-D agency, established and monitored 35,000 new support orders last year. All Texas counties are required to establish local registries to receive and disburse child support payments and maintain official records of those payments. Some counties have also established domestic relations offices that collect and disburse funds and are authorized to enforce orders against persons owing child support payments. This bill will authorize counties to contract with private entities for the collection of child support payment and provide for the electronic transfer of the support payments.

PURPOSE

As proposed, S.B. 1161 authorizes counties to contract with private entities for the collection of child support payment and provides for the electronic transfer of the support payments.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a commissioners court and a domestic relations office in SECTION 1 (Section 153.003(c)(1), Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 10B, Human Resources Code, by adding Chapter 153, as follows:

CHAPTER 153. CHILD SUPPORT COLLECTION BY PRIVATE ENTITY

Sec. 153.001. **AUTHORITY TO CONTRACT.** Authorizes a county acting through its commissioners court or domestic relations office to contract with a private entity to take certain actions.

Sec. 153.002. **TERMS AND CONDITIONS OF CONTRACT.** Requires the commissioners court or domestic relations office to include all appropriate terms and conditions in the contract that it determines are reasonable to secure the services of a private entity as provided by this chapter, including certain items.

Sec. 153.003. **FUNDING.** Authorizes a commissioners court or domestic relations office to charge certain fees in order to provide or recover the costs of providing services authorized by this chapter. Prohibits the commissioners court or domestic relations office from charging a fee under Subsection (a)(1) if the person to be charged has already been charged a fee under Section 151.008(a)(1). Authorizes the commissioners court or domestic relations office to provide, by order, for reasonable exemptions from the collection of fees and to require payment of a fee authorized by Subsection (a)(2) annually and in advance. Authorizes the fees established under Subsection (a) to be collected by any means provided for the collection of child support. Authorizes the commissioners court or domestic relations office to provide for the manner of collecting the fees and the apportionment of payments received to meet fee obligations.

Sec. 153.004. CUMULATIVE EFFECT OF CHAPTER. Provides that a power or duty conferred on a county, county official, or county instrumentality by this chapter is cumulative of the powers and duties created or conferred by other law, except that action under this chapter precludes the exercise or performance of a power or duty created or conferred by other law as expressly provided by order of a commissioners court.

SECTION 2. Amends Section 154.242, Family Code, to require a local registry to establish the manner by which verification of a deposit by electronic transfer will be received. Requires the obligee to furnish to the local registry the necessary bank and bank account information to complete the electronic funds transfers.

SECTION 3. Provides that the change in law made by this Act does not prevent a county from acting under a provision of Chapter 152, Human Resources Code, to enforce, collect, receive, or disburse child support or another amount due under a court order containing an order to pay child support.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.