

BILL ANALYSIS

Senate Research Center

S.B. 1594
By: Haywood
Jurisprudence
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As Filed

DIGEST

During the 74th Legislative Session, many revisions were made to the Family Code. In the process, some items were left unclear or contained wording which needs clarification or refinement in regard to enforcing child support obligations. Additionally, the recently passed Federal Welfare Reform Act and the related federal regulations appear to contain provisions which should be reflected in state law. This bill would revise the Family Code to clarify and refine sections of the code and to include changes which appear to be federally mandated.

PURPOSE

As proposed, S.B. 1594 revises the Family Code in regard to the enforcement and collection of child support. Additionally, this bill amends the Family Code to track federal provisions set forth in the Federal Welfare Reform Act.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 110, Family Code, by adding Section 110.006, as follows:

Sec. 110.006. DOMESTIC RELATIONS OFFICE OPERATIONS FEE. Requires the clerk of the court, if an administering entity of a domestic relations office adopts an initial operations fee under Section 203.005(a)(1), to collect the fee at the time the suit is filed and send the fee to the domestic relations office.

SECTION 2. Amends Section 154.242(b), Family Code, to authorize, rather than require, a local registry in a county that makes deposits into personal bank accounts by electronic funds transfer as of April 1, 1995, to transmit a child support payment to an obligee by electronic funds transfer if the obligee maintains a bank account.

SECTION 3. Amends Section 157.102, Family Code, to authorize the capias to be forwarded to and disseminated by the Texas Crime Information Center and the National Crime Information Center.

SECTION 4. Amends Section 157.211, Family Code, to authorize the terms and conditions of community supervision, if the court places the respondent on community supervision and suspends commitment, to include, among other requirements, the requirement that the respondent pay required child support and any child support arrearages. Makes conforming changes.

SECTION 5. Amends Section 157.261, Family Code, to provide that for the purposes of this subchapter, interest begins to accrue on the date the judge signs the order for the judgment unless the order contains a statement that the order is rendered on another specific date. Makes a conforming change.

SECTION 6. Amends Section 157.268, Family Code, to require child support collected to be applied in the following order of priority: current child support; the principal amount of child support that has not been confirmed and reduced to money judgment; the principal amount of child support

that has been confirmed and reduced to money judgment; and interest of the principal amounts specified in Subdivisions (2) and (3). Provides that to the extent of any conflict between this section and the requirements under federal law regarding the order of priority for applying child support collected, federal law prevails. Makes conforming changes.

SECTION 7. Amends Section 158.104, Family Code, to authorize a request for issuance of an order or writ of withholding to be filed with the clerk of the court by, among others, the friend of the court.

SECTION 8. Amends Section 158.105(b), Family Code, to require the clerk to attach a copy of Subchapter C, rather than this subchapter, to the order or writ in order to inform the employer.

SECTION 9. Amends Section 158.203, Family Code, to require the employer to include with each payment transmitted certain information. Makes a conforming change.

SECTION 10. Amends Section 202.002(b), Family Code, to authorize, rather than require, a friend of the court, no later than the 15th day of the month following the reporting month, to file an action to enforce, clarify, or modify a court order relating to child support or possession of or access to a child. Makes conforming changes.

SECTION 11. Amends Section 203.004, Family Code, by adding Subsection (c), to authorize a domestic relations office to hire or contract for the services of attorneys to assist the office in providing services under this chapter.

SECTION 12. Amends Section 203.006(a), Family Code, by requiring the fees received, among other actions, by a domestic relations office to be deposited in certain funds.

SECTION 13. Amends Section 231.0011(g), Family Code, to authorize a county to contract with the Title IV-D agency for reimbursement of services without the requirement that all new cases in which support orders are entered in the county after the effective date of a monitoring contract shall be Title IV cases. Makes nonsubstantive changes.

SECTION 14. Amends Section 231.101, Family Code, by adding Subsection (c), to require the Title IV-D agency to distribute a child support payment received by the agency within two working days after the date the agency receives the payment.

SECTION 15. Amends Section 32.41(f), Penal Code, to provide that an offense is a Class B misdemeanor if the check or similar sight order that was issued or passed for a child support payment the obligation for which is established under a court order. Makes conforming changes.

SECTION 16. (a) Effective date: September 1, 1997.

(b) Makes application of Section 110.006, Family Code, as added by this Act, prospective.

(c) Provides that Sections 154.242(b) and 158.203, Family Code, as amended by this Act, take effect January 1, 1998.

(d) Makes application of Section 157.268, Family Code, as amended by this Act, prospective.

(e) Makes application of Section 231.101(c), Family Code, as added by this Act, prospective.

(f) Makes application of Section 32.41(f), Penal Code, as amended by this Act, prospective.

SECTION 17. Emergency clause.