

## **BILL ANALYSIS**

Senate Research Center

H.B. 2594  
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Jurisprudence  
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Engrossed

### **DIGEST**

Currently, Texas law provides a mechanism to collect unpaid child support. The law, however, does not provide a cost effective mechanism for an obligor to collect overpaid child support. H.B. 2594 requires an obligee to return a child support payment to an obligor if the payment is made after the child support order has terminated. The bill authorizes the obligor to file a suit to collect the payment in the event that the obligee does not return it.

### **PURPOSE**

As proposed, H.B. 2594 requires the collection of child support payments made after termination of the child support order.

### **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 154A, Family Code, by adding Section 154.012, as follows:

Sec. 154.012. SUPPORT PAID AFTER TERMINATION OF SUPPORT ORDER. Requires an obligee to return to an obligor a child support payment made by the obligor after the date the child support order has terminated, if the obligor is not in arrears. Authorizes an obligor to file a suit to recover a child support payment under Subsection (a). Requires the court to order the obligee to pay to the obligor attorney's fees and all court costs in addition to the amount of support paid after the date the child support order terminated, if the court finds that the obligee failed to return a child support payment under Subsection (a). Authorizes the court to waive the requirement that the obligee pay attorney's fees and costs if the court states the reasons supporting that finding.

SECTION 2. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.