

BILL ANALYSIS

Senate Research Center
79R12593 KKA-D

H.B. 1238
By: Paxton (Wentworth)
Jurisprudence
5/19/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

If child support is owed and is not being received, an obligee generally has two options. One is to rely on the Office of the Attorney General, which faces challenges to timely enforcement, and the other is to hire an attorney. In some cases, a judge may appoint an individual guardian ad litem. The guardian ad litem is responsible for receiving, disbursing, and monitoring child support payments. There is some confusion as to whether this type of disbursement is authorized under current law.

H.B. 1238 clarifies that a divorce decree or other order providing a guardian ad litem for child support will serve as an adequate request from the obligee and will permit the Office of the Attorney General's State Disbursement Unit to direct payments to the guardian ad litem without jeopardizing the attorney general's status as the disbursing unit in the implementation of federal mandates.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 234.008, Family Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Creates an exception as provided by Subsection (d) to the requirement that the state disbursement unit distribute the child support payment to the Title IV-D agency or the obligee.

(d) Provides that the signature of an obligee on a final order in a suit affecting the parent-child relationship, or another order under this title, that designates an individual or entity for the purpose of receiving, disbursing, and monitoring child support payments constitutes written consent by the obligee to the distribution of the child support payments by the state disbursement unit to the designated individual or entity. Requires the state disbursement unit to distribute each child support payment to the designated individual or entity by the date required by Subsection (a). Requires the designated individual or entity to deduct any amount of the individual's or entity's authorized fee from the payment and promptly disburse the remainder of the amount to the title IV-D agency or obligee.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.