

BILL ANALYSIS

Senate Research Center
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H.B. 2231
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Jurisprudence
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The United States Census Bureau estimates that there are more than four million children in the United States living in homes in which a grandparent is the primary caregiver. Grandparents caring for their grandchildren is not a new phenomenon; however, the number of grandparents raising their grandchildren is growing. More grandparents are taking on this responsibility due to the desire to influence their grandchildren's personal and cultural identity, prevent placement in a foster home, buffer effects of divorce or single parenthood, care for children with parents in jail, reduce contact with substance abusing parents, or come to the aid of the grandchildren during family crises, including neglect or psychological, physical, and sexual abuse.

In most cases, the parents of these children are not forwarding the child support payments that they receive to the grandparents with whom the children are living. Often these grandparents are retired and living entirely on social security. Living on a fixed income without the means to properly care for their grandchildren creates an additional burden on these caregivers.

H.B. 2231 requires the court to modify an order providing for the support of the child to allow the person who has physical possession of the child for at least six months to receive the child support to financially care for the child's needs.

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 156.409(a), Family Code, to require the court, rather than authorize the court, if the sole managing conservator of a child or the joint managing conservator who has the exclusive right to determine the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person for at least six months, to modify the child support order, on the motion of a party or the other person having physical possession of the child, to provide that the other person having physical possession of the child shall have the right to receive and give receipt for payments of support for the child and to hold or disburse money for the benefit of the child.

SECTION 2. Effective date: upon passage or September 1, 2005.