

BILL ANALYSIS

Senate Research Center

H.B. 779
By: Dutton (Gallegos)
Jurisprudence
5/18/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that a copy of a payment record attached to a motion for contempt is evidence of payments made as a matter of fact, however, direct payments made to an obligee will not and do not show up in a payment record unless evidenced by an affidavit of direct pay. Some courts accept an affidavit of direct pay, or other documents to show proof of payment including canceled checks or money orders made payable to the obligee while others do not.

H.B. 779 allows a respondent to offer evidence of direct pay as a means of satisfying payments made in a child support order.

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 157.162, Family Code, by adding Subsection (d), to prohibit the court from finding a respondent in contempt of court for failure to pay child support if the respondent appears at the hearing with a copy of the payment record or other evidence satisfactory to the court showing that the respondent is current in the payment of child support.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment

Amends H.B. 779 (house engrossment, page 1, lines 7 through 11), in added Section 157.162(d), Family Code, to prohibit the court from finding a respondent in contempt of court for failure to pay child support if the respondent appears at the hearing with a copy of the payment record or other evidence satisfactory to the court showing that the respondent is current in the payment of child support as ordered by the court.