

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1514
By: Watson
Jurisprudence
4/3/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Three Courts of Appeals have held that Section 157.262(a) (relating to a prohibition of the court from reducing or modifying the amount of child support arrearages), Family Code, prohibits a court from reducing a money judgment for arrearages without an express authorization from the legislature. The cases involved lump sum payments received by a child because of the child support obligor's disability but the obligor was denied credit against back child support owed. The Family Law Section of the State Bar of Texas (section) and the Texas Family Law Foundation studied this issue and determined that the lump sum disability should be credited toward the child support arrearage. The full State Bar of Texas Board agreed and authorized the section to go to the legislature with this issue.

C.S.S.B. 1514 entitles the obligor, in addition to any other credit or offset available to an obligor, if a child for whom the obligor owes child support receives a lump-sum payment and that payment is made to the obligee as the representative payee of the child, to a credit.

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 Subchapter A, Chapter 157, Family Code, by adding Section 157.009, as follows:

Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS. Entitles the obligor, in addition to any other credit or offset available to an obligor under this title, if a child for whom the obligor owes child support receives a lump-sum payment as a result of the obligor's disability and that payment is made to the obligee as the representative payee of the child. Provides that the credit under this section is equal to the amount of the lump-sum payment and is required to be applied to any child support arrearage and interest owed by the obligor on behalf of that child at the time the payment is made.

SECTION 2. Amends Section 157.262(f), Family Code, to authorize that the money judgment for arrearages to be rendered by the court be subject to a counterclaim or offset as provided by this title, rather than this subchapter.

SECTION 3. Makes application of Section 157.009, Family Code, as added by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.