

BILL ANALYSIS

Senate Research Center
84R12440 KSD-D

H.B. 826
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Based on conversations with the Office of the Attorney General, Child Support Division, it has become clear that while child support modification is available, many parents living under a court issued child support order do not understand that they have the right to request a modification—either from the court directly or through the Child Support Division (Title IV-D) of the Office of the Attorney General. Many non-custodial parents who have become delinquent in their child support payments have claimed that they did not know they could request a modification if their financial or life circumstances change. As a result, instead of requesting a modification of their current court-ordered child support, they have simply stopped paying. This behavior is detrimental to all parties involved in a child support order, most importantly the child.

H.B. 826, amends Section 105.006, Family Code, by adding Subsection (e-2), which requires that clear language about child support modification be included in a final court order in a suit that orders child support or possession of or access to a child. By including this information in the final order and stating the modification information in clear language, both the custodial and non-custodial parent have notice and information about child support modification. This language would apply to all child support modification cases, both private and those handled by the Office of the Attorney General Child Support Division under Title IV-D. The goal is to help ensure that both parents know that they have the option to request a child support order modification. If parents are able to request a modification—either up or down in their payments—this may help maintain or improve the relationship between custodial parent and non-custodial parent, and more importantly, between non-custodial parent and their child.

H.B. 826 amends current law relating to the provision of information relating to the modification of a child support order in certain suits affecting the parent-child relationship.

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 105.006, Family Code, by adding Subsection (e-2), as follows:

(e-2) Requires an order in a suit that orders child support to contain the following prominently displayed statement in boldfaced type, in capital letters, or underlined:

"THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED;
OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD

SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES."

SECTION 2. Provides that the change in law made by this Act applies to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.