

BILL ANALYSIS

Senate Research Center
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H.B. 884
By: Phelan (Nichols)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Orange County child support office was created in the late 1980s to facilitate the accurate payment and remittance of child support obligations. Since that time, this responsibility has moved to the office of the attorney general, rendering the child support office unnecessary. H.B. 884 amends the Human Resources Code to abolish the Orange County child support office and repeal provisions relating to the office and to the collection of a monthly child support fee. The bill transfers the obligations, rights, records, equipment, and personnel of the former office to the Orange County Juvenile Board and requires any money in the Orange County child support fee fund to be transferred to the divorce and contempt fees fund for the Orange County Juvenile Board. The bill specifies that the annual report of receipts and expenditures in the account for the fund required to be made to the commissioners court is made by the county auditor.

H.B. 884 amends current law relating to the abolishment of the Orange County child support office and to the divorce and contempt fees paid in Orange County.

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. Transfers Sections 152.1872(f) and (g), Human Resources Code, to Section 152.1873, Human Resources Code, redesignates Subsections (f) and (g) of that section, and amends it, as follows:

(f) Requires that fees collected under this section be deposited in a separate fund known as the "divorce and contempt fees fund" by the county treasurer, rather than requires fees collected under this section and Section 152.1873 to be deposited in a separate fund known as the "Child Support Fund" by the county treasurer. Requires a record to be kept of all fees collected and expended. Provides that the divorce and contempt fees fund, rather than the child support fund, is subject to regular audit by the county auditor or other authorized person. Requires that an annual report of receipts and expenditures in the account to be made to the commissioners court by the auditor.

(g) Requires the Orange County Juvenile Board (board) to administer the fees collected under this section to meet the expenses of the juvenile board, including postage, equipment, stationery, office supplies, subpoenas, salaries, and other expenses authorized by the board, rather than requires the juvenile board to administer the fees collected under this section and Section 152.1873 to meet the expenses of the Orange County child support office (child support office), including postage, equipment, stationery, office supplies, subpoenas, salaries, and other expenses authorized by the board. Requires the fund to be supplemented from the general fund or other available funds of the county as necessary.

SECTION 2. Amends the heading to Section 152.1873, Human Resources Code, to read as follows:

Sec. 152.1873. DIVORCE AND CONTEMPT FEES IN ORANGE COUNTY.

SECTION 3. Amends Sections 152.1873(a) and (d), Human Resources Code, as follows:

(a) Requires each person who files a divorce case in Orange County to pay the clerk of the district court a filing fee of not less than \$5. Provides that the fee is taxed, collected, and paid as other costs and is used to assist in maintaining the board as provided by Subsection (g), rather than in maintaining the child support office.

(d) Changes a reference to the child support office to the Orange County Juvenile Board. Makes a nonsubstantive change.

SECTION 4. Repealers: the heading to Section 152.1872 (Orange County Child Support Office and Support Fee), Human Resources Code, and Sections 152.1872(a) (requiring the Orange County Juvenile Board to establish a child support office and appoint a child support collector to collect and disburse child support payments as ordered by a court), (b) (requiring the office to assess and collect a monthly fee of not less than \$1 for collecting and disbursing child or spousal support payments made to the office), (c) (requiring the payor of support to pay the fee unless the payor is a member of the armed services, the support payment is made by government check, and the support payment exceeds the amount the person is ordered to pay), (d) (providing that the first fee payment is due on the date that the payor is ordered to begin the support payments), and (e) (providing that a person who refuses or fails to pay the fee on the date due or in the amount ordered is subject to an action for contempt of court), Human Resources Code.

SECTION 5. Provides that, on the effective date of this Act:

(1) the Orange County child support office is abolished;

(2) the obligations, rights, records, equipment, and personnel of the former office are transferred to the board; and

(3) any money remaining in the Orange County child support fund shall be transferred to the divorce and contempt fees fund for the board.

SECTION 6. Effective date: September 1, 2015.