

BILL ANALYSIS

Senate Research Center

S.B. 285
By: West
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Integrated Child Support System (ICSS) is one of the mechanisms by which Texas implements Title IV-D of the Social Security Act of 1975, which mandates that every state create a child support enforcement program. The COVID-19 pandemic has increased the difficulty for ICSS to receive Title IV-D cases with proper documentation; therefore, this bill seeks to codify some of the changes that digitize the process, as well as make changes to the Family Code to streamline receipt of Child Support Review Process (CSRP) documents.

S.B. 285 allows the use of digitized signatures and unsworn declarations to complete CSRP documents and directly addresses issues identified during the COVID-19 pandemic as limiting the use of CSRP to expedite agreed child support orders during virtual negotiation conferences. Otherwise, many of these cases might need to be routed judicially for a court hearing, which greatly increases the time it takes to modify a child support order, particularly during a time when the courts have been operating at reduced capacity. The bill also clarifies that a court may approve the use of substituted service to serve a non-agreed CSRP order on a party in appropriate cases.

This bill also increases the time frame for judges to review and sign agreed CSRP orders and increases the time frame before agreed orders become confirmed by operation of law, as judges do not always receive the agreed orders for review within the current three-day time frame. Extending the time frame to seven days should reduce the likelihood of orders being confirmed by operation of law without a signed judicial confirmation.

Additionally, the bill adds a citation to 45 C.F.R. Section 302.56 to incorporate into the Family Code several federally required standards that a state must consider when conducting a review of the state's child support guidelines on a quadrennial basis.

The bill will also help to facilitate the continued operation of ICSS in 19 Texas counties after the expiration of an existing federal waiver that allows certain types of cases to be opened as Title IV-D cases without an application for services. A revised record of support form would now include an option for a party to apply for Title IV-D child support services when a support order is established in an ICSS participating county. S.B. 285 also clarifies that the record of a court order for child support that is submitted to the State Case Registry should also include a record of any court ordered payments for medical support and dental support so that the State Disbursement Unit can properly set up an account to process the payments.

Finally, the bill delineates what documents courts may use as evidence to confirm the existence of an assignment of support rights in a Title IV-D case.

S.B. 285 amends current law relating to the administration of and certain procedures under the Title IV-D program for child support enforcement.

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 105.008, Family Code, as follows:

Sec. 105.008. RECORD OF SUPPORT ORDER FOR STATE CASE REGISTRY. (a) Requires the clerk of the court to provide the state case registry with a record of a court order for child support, medical support, and dental support, rather than for child support. Makes a nonsubstantive change.

(b) Authorizes the form described by Subsection (a) to include an option for a party to apply for child support services provided by the Title IV-D agency. Requires the party or the party's authorized representative, if a party applies for child support services, to sign the form.

(c) Creates this subsection from existing text and makes no further changes.

SECTION 2. Amends Section 111.001(b), Family Code, as follows:

(b) Requires the Title IV-D agency, at least once every four years, to review the child support guidelines under Chapter 154 (Child Support) as required by certain federal laws, including 45 C.F.R. Section 302.56 and to take certain actions.

SECTION 3. Amends Sections 231.0011(c) and (d), Family Code, as follows:

(c) Requires the clerk of the court of a county participating in the unified system for child support, medical support, and dental support enforcement to use a record of support order form described by Section 105.008(b) that includes an option for the obligee or obligor to apply for child support services provided by the Title IV-D agency. Deletes existing text requiring that all new cases in which support orders are entered in such a county after the effective date of a monitoring contract be Title IV-D cases; authorizing any other case in the county, subject to federal requirements and the agreement of the county and the Title IV-D agency, to be included as a Title IV-D case; and authorizing any obligee under a support order to refuse Title IV-D enforcement services unless required to accept such services pursuant to other law.

(d) Provides that counties participating in the unified enforcement system are required to monitor all assigned Title IV-D child support cases, rather than child support registry cases, and on delinquency are authorized to, subject to the approval of the Title IV-D agency, provide enforcement services through certain methods.

SECTION 4. Amends Section 231.104, Family Code, by adding Subsection (c), as follows:

(c) Provides that filing a notice of assignment of support rights, a notice of change of payee under Section 231.105 (Notice of Change of Payee), or a pleading by the Title IV-D agency in a suit under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship) is evidence of the assignment of support rights to the Title IV-D agency in that cause and is admissible as evidence of the truth of the assignment of support rights and does not require further authentication or verification.

SECTION 5. Amends Section 233.018, Family Code, by adding Subsections (c), (d), and (e), as follows:

(c) Authorizes a party to sign a waiver under Section 233.018 (Additional Contents of Agreed Child Support Review Order) using a digitized signature.

(d) Requires that a waiver under Section 233.018 be sworn before a notary public or executed using an unsworn declaration under Section 132.001 (Unsworn Declaration), Civil Practice and Remedies Code.

(e) Requires that the mailing address of a party, notwithstanding Subsection (a)(2) (relating to requiring each party, if a negotiation conference results in an agreement of the

parties, to sign the child support review order and the order to contain as to each party the mailing address of the party), be omitted if:

(1) the court has previously made a finding and ordered nondisclosure under Section 105.006(c) (relating to authorizing the court to take certain actions, if a court finds that providing the information is likely to subject the child or a conservator to certain prohibited behavior) relating to the parties and the order has not been superseded; or

(2) the child support review order contains an agreed finding and order under Section 105.006(c).

SECTION 6. Amends Section 233.021(c), Family Code, to require the clerk to deliver by personal service or, if court-ordered, a method of substituted service, a copy of the petition for confirmation of a nonagreed review order and a copy of the order, to each party entitled to service who has not waived service.

SECTION 7. Amends Section 233.024(a), Family Code, as follows:

(a) Requires the court, on the filing of an agreed child support review order signed by all parties, together with waiver of service, to sign the order not later than the seventh day, rather than the third day, after the filing of the order. Makes a conforming change.

SECTION 8. Provides that the changes in law made by this Act to Sections 105.008 and 231.0011, Family Code, apply 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 9. Makes application of Section 233.021(c), Family Code, as amended by this Act, prospective.

SECTION 10. Makes application of Section 233.024(a), Family Code, as amended by this Act, prospective.

SECTION 11. Effective date: September 1, 2021.