

BILL ANALYSIS

C.S.H.B. 3538
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2014, Congress passed the Preventing Sex Trafficking and Strengthening Families Act, which required all states to adopt the 2008 amendments to the Uniform Interstate Family Support Act during each state's 2015 legislative session. Failure to do so could result in immediate suspension of all federal payments for that state's child support enforcement program. C.S.H.B. 3538 seeks to avoid the loss of important federal funding by enacting the required amendments to the Uniform Interstate Family Support Act.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3538 amends provisions of the Family Code relating to the Uniform Interstate Family Support Act to conform to recent amendments to the act required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The bill requires a tribunal of this state to apply statutory provisions governing jurisdiction and civil provisions in proceedings relating to a support order or to determine parentage, the authority to establish a support order or determination of parentage, the enforcement of an order without registration and the registration, enforcement, and modification of a support order, and, as applicable, provisions governing a support proceeding under the Convention established by the bill to a support proceeding involving a foreign support order, a foreign tribunal, or an obligee, obligor, or child residing in a foreign country. The bill authorizes a tribunal of this state that is requested to recognize and enforce a support order on the basis of comity to apply the procedural and substantive provisions of the Uniform Interstate Family Support Act. The bill defines "foreign country" as a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and which has been declared under the law of the United States to be a foreign reciprocating country; which has established a reciprocal arrangement for child support with Texas; which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under the Uniform Interstate Family Support Act; or in which the Convention is in force with respect to the United States.

C.S.H.B. 3538 clarifies, for purposes of the Uniform Interstate Family Support Act, that the office of the attorney general is the support enforcement agency of Texas. The bill provides for the continuing, exclusive jurisdiction of a tribunal of this state to modify a controlling child

support order issued by the tribunal with the consent of the parties even if Texas is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued. The bill authorizes a responding tribunal of this state to order an obligor to inform the tribunal of the obligor's current electronic mail address and provides for certain electronic communication relating to a proceeding. The bill specifies that the authority to issue a support order, under certain conditions, that is entitled to recognition under the Uniform Interstate Family Support Act but that has not been issued resides with a responding tribunal of this state with personal jurisdiction over the parties. The bill authorizes a tribunal of this state authorized to determine parentage of a child to serve as a responding tribunal in a proceeding to determine parentage of a child brought under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that act. The bill includes the address of the obligee among the information that must be sent to a tribunal in this state in order to register a support order or income-withholding order of another state or a foreign support order. The bill creates an exception to the requirement that the notice sent to a nonregistering party with the copy of a registered support or income-withholding order issued in another state include information relating to a hearing to contest the validity or enforcement of the order if the order is a contested Convention support order. The bill specifies that a tribunal of this state retains jurisdiction to modify an order issued by the tribunal if one party resides in another state and the other party resides outside of the United States. The bill sets out the procedure by which a party or support enforcement agency seeking to modify or to modify and enforce a foreign child support order not under the Convention may register that order in Texas if the order has not been registered.

C.S.H.B. 3538 sets out provisions governing support proceedings under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and establishes the office of the attorney general of Texas as the agency designated by the secretary of the United States Department of Health and Human Services to perform specific functions under the Convention. The bill requires the office of the attorney general, in a support proceeding under the Convention, to transmit and receive applications and to initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state. The bill sets out the provisions regarding the types of support proceedings available to an obligee and to an obligor under the Convention, procedures for filing a direct request for seeking establishment or modification of a support order or determination of parentage of a child, registration of and procedures for contesting a Convention support order, recognition and enforcement of a registered Convention support order or a foreign support agreement, partial enforcement of a Convention support order, and modification of a Convention child support order. The bill limits the use of personal information gathered or transmitted for purposes of a Convention support proceeding and requires a record filed with a tribunal of this state in such a proceeding to be in the original language and, if not in English, to be accompanied by an English translation.

EFFECTIVE DATE

July 1, 2015, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3538 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 159.102, Family Code, is amended.	SECTION 1. Same as introduced version.

SECTION 2. Section 159.103, Family Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Sections 159.104(a) and (b), Family Code, are amended.	SECTION 3. Same as introduced version.
SECTION 4. Subchapter B, Chapter 159, Family Code, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Section 159.201, Family Code, is amended.	SECTION 5. Same as introduced version.
SECTION 6. Section 159.202, Family Code, is amended.	SECTION 6. Same as introduced version.
SECTION 7. Section 159.203, Family Code, is amended.	SECTION 7. Same as introduced version.
SECTION 8. Section 159.204, Family Code, is amended.	SECTION 8. Same as introduced version.
SECTION 9. Sections 159.205(a), (b), (c), and (d), Family Code, are amended.	SECTION 9. Same as introduced version.
SECTION 10. Section 159.206(a), Family Code, is amended.	SECTION 10. Same as introduced version.
SECTION 11. Section 159.207, Family Code, is amended.	SECTION 11. Same as introduced version.
SECTION 12. Section 159.208, Family Code, is amended.	SECTION 12. Same as introduced version.
SECTION 13. Section 159.209, Family Code, is amended.	SECTION 13. Same as introduced version.
SECTION 14. Section 159.210, Family Code, is amended.	SECTION 14. Same as introduced version.
SECTION 15. Section 159.211(b), Family Code, is amended.	SECTION 15. Same as introduced version.

SECTION 16. Section 159.301(c), Family Code, is amended.	SECTION 16. Same as introduced version.
SECTION 17. Section 159.304(b), Family Code, is amended.	SECTION 17. Same as introduced version.
SECTION 18. Sections 159.305(b) and (f), Family Code, are amended.	SECTION 18. Same as introduced version.
SECTION 19. Sections 159.307(b), (c), (d), and (e), Family Code, are amended.	SECTION 19. Same as introduced version.
SECTION 20. The heading of Section 159.308, Family Code, is amended.	SECTION 20. Same as introduced version.
SECTION 21. Section 159.308(b), Family Code, is amended.	SECTION 21. Same as introduced version.
SECTION 22. Section 159.310(b), Family Code, is amended.	SECTION 22. Same as introduced version.
SECTION 23. Section 159.311(a), Family Code, is amended.	SECTION 23. Same as introduced version.
SECTION 24. Section 159.312, Family Code, is amended.	SECTION 24. Same as introduced version.
SECTION 25. Sections 159.313(b) and (c), Family Code, are amended.	SECTION 25. Same as introduced version.
SECTION 26. Section 159.314(c), Family Code, is amended.	SECTION 26. Same as introduced version.
SECTION 27. Sections 159.316(a), (b), (d), (e), and (f), Family Code, are amended.	SECTION 27. Same as introduced version.
SECTION 28. Section 159.317, Family Code, is amended.	SECTION 28. Same as introduced version.

SECTION 29. Section 159.318, Family Code, is amended.	SECTION 29. Same as introduced version.
SECTION 30. Section 159.319(a), Family Code, is amended.	SECTION 30. Same as introduced version.
SECTION 31. The heading of Subchapter E, Chapter 159, Family Code, is amended.	SECTION 31. Same as introduced version except for recitation.
SECTION 32. Section 159.401, Family Code, is amended.	SECTION 32. Same as introduced version.
SECTION 33. Subchapter E, Chapter 159, Family Code, is amended.	SECTION 33. Same as introduced version.
SECTION 34. The heading to Subchapter F, Chapter 159, Family Code, is amended.	SECTION 34. Same as introduced version.
SECTION 35. Section 159.506, Family Code, is amended.	SECTION 35. Same as introduced version.
SECTION 36. Section 159.507(a), Family Code, is amended.	SECTION 36. Same as introduced version.
SECTION 37. Sections 159.601, 159.602, 159.603, and 159.604, Family Code, are designated as Part 1, Subchapter G, Chapter 159, Family Code, and a heading for that part is added.	SECTION 37. Same as introduced version.
SECTION 38. Section 159.601, Family Code, is amended.	SECTION 38. Same as introduced version.
SECTION 39. Sections 159.602(a), (b), and (d), Family Code, are amended.	SECTION 39. Same as introduced version.
SECTION 40. Section 159.603, Family Code, is amended.	SECTION 40. Same as introduced version.
SECTION 41. Section 159.604, Family Code, is amended.	SECTION 41. Same as introduced version.

SECTION 42. Sections 159.605, 159.606, 159.607, and 159.608, Family Code, are designated as Part 2, Subchapter G, Chapter 159, Family Code, and a heading for that part is added.	SECTION 42. Same as introduced version.
SECTION 43. Section 159.605, Family Code, is amended.	SECTION 43. Same as introduced version.
SECTION 44. Section 159.606, Family Code, is amended.	SECTION 44. Same as introduced version.
SECTION 45. Section 159.607, Family Code, is amended.	SECTION 45. Same as introduced version.
SECTION 46. Section 159.608, Family Code, is amended.	SECTION 46. Same as introduced version.
SECTION 47. Sections 159.609, 159.610, 159.611, 159.612, 159.613, and 159.614, Family Code, are designated as Part 3, Subchapter G, Chapter 159, Family Code, and a heading for that part is added.	SECTION 47. Same as introduced version.
SECTION 48. Section 159.609, Family Code, is amended.	SECTION 48. Same as introduced version.
SECTION 49. Section 159.610, Family Code, is amended.	SECTION 49. Same as introduced version.
SECTION 50. Section 159.611, Family Code, is amended.	SECTION 50. Same as introduced version.
SECTION 51. Section 159.612, Family Code, is amended.	SECTION 51. Same as introduced version.
SECTION 52. Section 159.613(b), Family Code, is amended.	SECTION 52. Same as introduced version.
SECTION 53. Section 159.615, Family Code, is designated as Part 4, Subchapter G, Chapter 159, Family Code, and a heading for that part is added.	SECTION 53. Same as introduced version.

SECTION 54. Section 159.615, Family Code, is amended.

SECTION 54. Same as introduced version.

SECTION 55. Part 4, Subchapter G, Chapter 159, Family Code, as designated by this Act, is amended.

SECTION 55. Same as introduced version.

SECTION 56. The heading to Subchapter H, Chapter 159, Family Code, is amended.

SECTION 56. Same as introduced version.

SECTION 57. Section 159.701, Family Code, is amended.

SECTION 57. Same as introduced version.

SECTION 58. Subchapter H, Chapter 159, Family Code, is amended.

SECTION 58. Same as introduced version.

SECTION 59. Section 159.801(a), Family Code, is amended.

SECTION 59. Same as introduced version.

SECTION 60. Section 159.802(a), Family Code, is amended.

SECTION 60. Same as introduced version.

SECTION 61. Section 159.901, Family Code, is amended.

SECTION 61. Same as introduced version.

SECTION 62. Chapter 159, Family Code, as amended.

SECTION 62. Same as introduced version.

SECTION 63. This Act takes effect September 1, 2015.

SECTION 63. This Act takes effect July 1, 2015, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this Act takes effect on the 91st day after the last day of the legislative session.