

BILL ANALYSIS

C.S.H.B. 4122
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, retroactive child support, also known as back child support, refers to child support that a parent may have an obligation to pay at some point but has not yet been ordered to pay. For example, in a case where married parents separate, the court may order a parent to pay child support retroactive to the date of separation. Currently, the parties note, retroactive child support may be filed up until four years after the child's 18th birthday. C.S.H.B. 4122 seeks to limit the time during which a parent may file for retroactive child support.

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. 4122 amends the Family Code to remove a provision establishing that a court retains jurisdiction to render an order for retroactive child support in a suit affecting the parent-child relationship if a petition requesting retroactive child support is filed not later than the fourth anniversary of the date of the child's 18th birthday. The bill instead establishes that, subject to certain exceptions, the court does not have jurisdiction to render an order for retroactive child support in a suit if the petition requesting retroactive child support is filed after the date of the child's 18th birthday. The bill establishes that a court retains jurisdiction to render an order for retroactive child support in a suit affecting the parent-child relationship if a petition requesting retroactive child support is filed while the child is enrolled in an accredited secondary school in a program leading toward a high school diploma, in courses for joint high school and junior college credit, or on a full-time basis in a private secondary school in a program leading toward a high school diploma and the child is in compliance with the applicable attendance requirements and that a court retains such jurisdiction if, at any time, a petition seeking retroactive child support for a disabled child is filed and the court makes certain findings regarding the child.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4122 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.

84R 27877

15.125.415

Substitute Document Number: 84R 24789

INTRODUCED

SECTION 1. Chapter 154 Subchapter A, Family Code, is amended by adding Subsection 154.017, as follows:

Section 154.017. (a) A parent may not seek retroactive child support of a child after the child is eighteen years of age.

(b) This section does not apply for a child:

(1) who is enrolled in school, or

(2) who has a disability.

No equivalent provision. (But see SECTION 1 above.)

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision. (But see SECTION 1, below.)

SECTION 1. Section 154.131, Family Code, is amended by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) Notwithstanding any other provision of this subtitle, but subject to Subsection (g), the court does not have ~~[retains]~~ jurisdiction to render an order for retroactive child support in a suit if the [a] petition requesting retroactive child support is filed after ~~[not later than the fourth anniversary of]~~ the date of the child's 18th birthday.

(g) Notwithstanding any other provision of this subtitle, the court retains jurisdiction to render an order for retroactive child support in a suit if a petition requesting retroactive child support is filed:

(1) while the child is enrolled in school as described by Section 154.002(a)(1) and is in compliance with the attendance requirements described by Section 154.002(a)(2); or

(2) at any time, if the petition seeks retroactive child support for a disabled child and the court makes the findings described by Section 154.302.

SECTION 2. Section 154.131, Family Code, as amended by this Act, applies only to a petition for retroactive child support that is filed on or after the effective date of this Act. A petition filed before the effective date of this Act is governed by the law in effect on the date the petition is filed, and the former law is continued in effect for that purpose.

SECTION 3. Same as introduced version.