

BILL ANALYSIS

C.S.H.B. 826
By: Giddings
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Based on conversations with affected parties and the child support division of the office of the attorney general, it has recently become clear that, even though 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 of that order. Interested parties contend that many noncustodial parents who have become delinquent in their child support payments claim that they were unaware of the option to request a modification following changes in their financial or life circumstances and saw no other option than to simply stop paying support. The parties identify this behavior as detrimental to all parties involved in a child support order but emphasize that this is most detrimental to the child.

C.S.H.B. 826 seeks to maintain or improve the relationships among family members affected by a child support order by ensuring that both parents are aware of the option to request a child support order modification.

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. 826 amends the Family Code to require an order in a suit affecting the parent-child relationship that orders child support to prominently display a certain specified statement regarding the circumstances under which a court may modify a child support order.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 826 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

SECTION 1. Section 105.006, Family Code, is amended by adding Subsection (i) to read as follows:

(i) The Title IV-D agency shall prepare materials that provide information on the law governing the modification of a child support order and the procedures by which a person may seek modification of a child support order. The materials shall be provided to each party in a suit in which a final order that orders child support is rendered.

No equivalent provision.

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

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Section 105.006, Family Code, is amended by adding Subsection (e-2) to read as follows:

(e-2) An order in a suit that orders child support must 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. Same as introduced version.

SECTION 3. Same as introduced version.