

BILL ANALYSIS

H.B. 943
By: Thompson, Senfronia
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a judge must rely on evidence presented by a parent when determining the parent's child support payment amounts. If no evidence is submitted, the judge is required to presume that an individual is working 40 hours per week at the federal minimum wage. Interested parties are concerned that current law does not allow a court to account for an incarcerated parent's inability to appear at hearings or submit evidence for this purpose, which can cause the parent to accumulate substantial amounts of debt while incarcerated. The parties assert that this kind of debt creates a significant barrier to successful reintegration and can cause the state to inefficiently expend effort in unsuccessfully collecting child support payments. H.B. 943 seeks to address this issue.

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

H.B. 943 amends the Family Code to establish that the wage and salary presumption a court is required to make in computing the net resources available for child support payments in a suit affecting the parent-child relationship in the absence of evidence of a party's resources does not apply if a party is subject to an order of confinement exceeding 90 days and is incarcerated in a local, state, or federal jail or prison at the time the court makes the determination regarding the party's income.

EFFECTIVE DATE

September 1, 2015.