

## **BILL ANALYSIS**

H.B. 161  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties express concern that an incarcerated individual subject to a child support order often incurs substantial child support arrearages during the confinement period and that the individual may have difficulty in paying those arrearages after the individual is released, which may, among other things, pose a barrier to obtaining employment. H.B. 161 seeks to prohibit these individuals, under certain conditions, from being found in contempt of court for failure to pay 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**

H.B. 161 amends the Family Code to prohibit a court from finding a respondent in contempt of court for failure to pay child support if the respondent or the respondent's attorney appears at the hearing with evidence satisfactory to the court showing that the unpaid child support accrued during the obligor's confinement in a local, state, or federal jail or prison for a period of at least 90 consecutive days, other than confinement for an offense constituting an act of family violence committed against the obligee or a child covered by the child support order or other than confinement resulting from the obligor's failure to comply with a child support order, and showing that the obligor did not have sufficient resources available to comply with the child support order during the period of confinement.

### **EFFECTIVE DATE**

September 1, 2017.