

BILL ANALYSIS

C.S.H.B. 2048
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that there is too much ambiguity regarding the authority of an associate judge to render certain orders in suits affecting the parent-child relationship. C.S.H.B. 2048 seeks to clarify the law on that matter.

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. 2048 amends the Family Code to expand the matters an associate judge may hear and on which the judge may render an order to include any matter necessary to be decided in connection with a child support service, including a suit affecting the parent-child relationship and a suit for modification of an order that provides for the conservatorship, support, or possession of and access to a child. The bill prohibits a return of the process served on behalf of the attorney general in a suit regarding a child support service from including the address served if a pleading filed in the suit requests a finding as to whether providing the prescribed information in a final order in the applicable suit is likely to cause the child or a conservator certain harm or if the court has previously made such a finding and ordered nondisclosure relating to the parties and the order has not been superseded. The bill establishes that on expiration of the third day after the filing of an agreed child support review order signed by all parties, together with waiver of service, the order is considered confirmed by the court by operation of law, regardless of whether the court has signed the order.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2048 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 201.104(e), Family Code, is amended.

SECTION 2. Section 231.118, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (c), a return of the process made under this section in a suit may not include the address served if:

(1) a pleading filed in the suit requests a finding under Section 105.006(c) and the court has not declined to make the finding;

or

(2) the court has previously made a finding and ordered nondisclosure under Section 105.006(c) relating to the parties and the order has not been superseded.

SECTION 3. Section 233.024(a), Family Code, is amended.

SECTION 4. (a) The change in law made by this Act to Section 201.104, Family Code, applies only to a Title IV-D case referred to an associate judge under Subchapter B, Chapter 201, Family Code, on or after the effective date of this Act. A Title IV-D case referred to an associate judge before the effective date of this Act is governed by the law in effect on the date the case was referred, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act to Section 231.118, Family Code, applies to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 231.118, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (c), a return of the process made under this section in a suit may not include the address served if:

(1) a pleading filed in the suit requests a finding under Section 105.006(c); or

(2) the court has previously made a finding and ordered nondisclosure under Section 105.006(c) relating to the parties and the order has not been superseded.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.