

BILL ANALYSIS

C.S.H.B. 2634
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note various issues of concern regarding a suit affecting a parent-child relationship, including the burden of making certain court appearances and the types of assets used to satisfy a child support obligation. C.S.H.B. 2634 seeks to address these issues in order to ensure that the law is fair and clear.

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. 2634 amends the Family Code to authorize a court to conduct the release hearing of a respondent who is taken into custody for failure to appear at an enforcement hearing in a suit affecting the parent-child relationship through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducting the hearing in that manner will facilitate the hearing. The bill authorizes a court to conduct a hearing on the issue of a respondent's indigency in a motion for enforcement or a motion to revoke community service in such a suit through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducting the hearing in that manner will facilitate the hearing. The bill includes the proceeds derived from the sale of oil and gas production from an oil or gas well located in Texas among the real and personal property to which a child support lien attaches.

C.S.H.B. 2634 amends the Natural Resources Code to include payments that are subject to a child support lien among the payments for proceeds derived from the sale of oil and gas production from an oil and gas well located in Texas that may be withheld without interest beyond the requisite time limits for such payments.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2634 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 157.105, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The court may require the respondent to appear before the court under Subsection (a) through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that the method of appearance will facilitate the hearing.

SECTION 2. Section 157.163, Family Code, is amended.

SECTION 3. Section 157.317(a), Family Code, is amended.

SECTION 4. Subchapter A, Chapter 158, Family Code, is amended by adding Section 158.012 to read as follows:

Sec. 158.012. WITHHOLDING OF OIL AND GAS PROCEEDS. The provisions of this chapter relating to withholding by an employer of the earnings of an obligor apply in the same manner, to the extent applicable, to a person who provides to an obligor proceeds derived from the sale of oil or gas production from an oil or gas well located in this state.

SECTION 5. Section 91.402(b), Natural Resources Code, is amended to read as follows:

(b) Payments may be withheld without interest beyond the time limits set out in Subsection (a) if:

(1) [~~of this section when~~] there is:

(A) [~~(1)~~] a dispute concerning title that would affect distribution of payments;

(B) [~~(2)~~] a reasonable doubt that the payee:

(i) [~~(A)~~] has sold or authorized the sale of its share of the oil or gas to the purchaser of such production; or

(ii) [~~(B)~~] has clear title to the interest in the proceeds of production; or

(C) [~~(3)~~] a requirement in a title opinion that places in issue the title, identity, or whereabouts of the payee and that has not been satisfied by the payee after a reasonable request for curative information has been made by the payor; or

(2) the payments are subject to a child support lien under Chapter 157, Family Code, or an order or writ of withholding issued under Chapter 158, Family Code.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 157.105, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The court may conduct a hearing under Subsection (a) through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducting the hearing in that manner will facilitate the hearing.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

No equivalent provision.

SECTION 4. Section 91.402(b), Natural Resources Code, is amended to read as follows:

(b) Payments may be withheld without interest beyond the time limits set out in Subsection (a) if:

(1) [~~of this section when~~] there is:

(A) [~~(1)~~] a dispute concerning title that would affect distribution of payments;

(B) [~~(2)~~] a reasonable doubt that the payee:

(i) [~~(A)~~] has sold or authorized the sale of its share of the oil or gas to the purchaser of such production; or

(ii) [~~(B)~~] has clear title to the interest in the proceeds of production; or

(C) [~~(3)~~] a requirement in a title opinion that places in issue the title, identity, or whereabouts of the payee and that has not been satisfied by the payee after a reasonable request for curative information has been made by the payor; or

(2) the payments are subject to a child support lien under Chapter 157, Family Code.

SECTION 6. The change in law made by this Act to Section 157.317, Family Code, applies only to a child support lien notice or suit filed on or after the effective date of this Act. A child support lien notice or suit filed before the effective date of this Act is governed by the law in effect on the date the lien notice or suit was filed, and the former law is continued in effect for that purpose.

SECTION 7. Section 158.012, Family Code, as added by this Act, applies only to an order or writ of withholding issued on or after the effective date of this Act. An order or writ of withholding issued before the effective date of this Act is governed by the law in effect at the time the order or writ was issued, and the former law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2017.

SECTION 5. The change in law made by this Act to Section 157.317, Family Code, applies only to a child support lien notice filed or delivered on or after the effective date of this Act. A child support lien notice filed or delivered before the effective date of this Act is governed by the law in effect on the date the lien notice was filed or delivered, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 6. Same as introduced version.