

BILL ANALYSIS

S.B. 1675
By: West
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that state laws governing the duties of the attorney general's office regarding the collection, modification, and enforcement of child support need to be updated to align more closely with recently enacted federal legislation and newly adopted federal rules. S.B. 1675 seeks to provide such an update by, among other things, authorizing the attorney general's office to modify administratively the support obligations of certain incarcerated obligors and by authorizing the office to charge an annual service fee in an amount that does not exceed the maximum amount established by federal law.

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 rulemaking authority is expressly granted to the attorney general's office in SECTION 3 of this bill.

ANALYSIS

S.B. 1675 amends the Family Code to require the attorney general's office, on verification by the office that a judgment or order has been rendered for the confinement of a child support obligor in a local, state, or federal jail or prison for a period of at least 180 consecutive days, to review and administratively adjust the obligor's child support, medical support, and dental support order to amounts that are based on the application of the statutory child support guidelines to the obligor's net resources during incarceration. That requirement does not apply if the office determines that the obligor is confined due to the obligor's failure to comply with a child support order or for an offense constituting an act of family violence committed against the obligee or a child covered by the child support order. The bill authorizes the office to seek modification of the support order in lieu of administratively adjusting the support obligation and requires the office to provide notice of the administrative adjustment, if applicable, to the parties to the support order. The bill sets out requirements for the contents of that notice and requires the office to file a copy of the notice with the court of continuing, exclusive jurisdiction. The bill establishes that the administrative adjustment does not affect a support obligation due before the effective date of the administrative adjustment. The bill authorizes the office to adopt rules to implement these provisions.

S.B. 1675 provides for the review of an administrative adjustment of the support obligation by the attorney general's office if the adjustment is contested by a party to the support order and for the affirmation or withdrawal of the adjustment after that review. The bill provides for judicial review of the administrative adjustment by the court of continuing, exclusive jurisdiction if, after review, the office affirms the adjustment and a party to the order requests a hearing with that

court. If no party to the order contests the administrative adjustment within the prescribed time frame or if, after a requested review that results in affirmation of the adjustment, no party to the order files a motion for judicial review within the prescribed time frame, the office is required to file an administrative adjustment order with the court of continuing, exclusive jurisdiction. The bill sets out requirements relating to orders filed in those respective circumstances, including requirements for their content and for their signing and confirmation.

S.B. 1675 requires the attorney general's office, on the release of an obligor whose support obligations were administratively adjusted during incarceration under the bill's provisions, to review the obligor's support order to determine if modification is necessary and authorizes the office to proceed with such a modification or with establishing or enforcing the support obligations.

S.B. 1675 removes the specific \$25 annual service fee for Title IV-D services that may be charged by the attorney general's office and authorizes the office to charge an annual service fee instead in an amount that does not exceed the maximum amount established by federal law. The bill requires a court clerk who delivers a copy of the petition for confirmation of a nonagreed child support review order and a copy of the order to certain parties, as required by law, to do so by substituted service if that method of delivery is ordered by the court. The bill extends the deadline by which a court must sign an agreed child support review order filed with the court from not later than the third day after filing to not later than the seventh day after filing.

The provisions of S.B. 1675 providing for the administrative adjustment or modification of support obligations during an obligor's incarceration, the review of such an adjustment, and the modification of a support obligation after the obligor's release from incarceration apply to a child support order regardless of whether the order was rendered before, on, or after the bill's effective date. Those provisions constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the bill's effective date.

EFFECTIVE DATE

September 1, 2019.