

BILL ANALYSIS

S.B. 285
By: West
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been concerns about the limited use of the child support review process (CSRP) to expedite agreed child support orders during virtual negotiation conferences, which have been especially prevalent during the COVID-19 pandemic. Additionally, the set expiration of the federal waiver allowing certain cases to be opened as Title IV-D cases without an application for service has created a need to address Texas' Integrated Child Support System (ICSS), which is active in 19 counties and is one of the mechanisms by which Texas implements Title IV-D. S.B. 285 seeks to address these concerns by authorizing the use of digitized signatures and unsworn declarations in CSRP documents and providing more time for judges to review and sign agreed orders before they become confirmed by operation of law. The bill also facilitates the continued operation of the ICSS, provides for the inclusion of medical and dental support in a record of support order, and revises the record of support form to include an option for a party to apply for Title IV-D child support services when a support order is established in a county participating in the ICSS.

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

S.B. 285 amends the Family Code to specify that the requirement for the court clerk to provide a record of support order to the state case registry applies to a record of a court order for child support, medical support, and dental support. The bill authorizes the form of the record of a support order to include an option for a party to apply for child support services provided by the attorney general's office and requires a party who applies for those services, or the party's representative, to sign the form.

S.B. 285 updates the provision requiring the attorney general's office to review child support guidelines once every four years by including a reference to federal regulations providing guidelines for setting child support orders. The bill revises provisions relating to the development of a statewide integrated system for child support, medical support, and dental support enforcement to require the court clerk of a county participating in the unified enforcement system to use a record of support order form that includes an option for the obligee or obligor to apply for child support services provided by the office.

S.B. 285 establishes that the following filings are evidence of the assignment of support rights to the attorney general's office in the applicable cause, are admissible as evidence of the truth of the assignment of support rights, and do not require further authentication or verification:

- filing a notice of assignment of support rights to the office;
- filing a notice of change of payee of child support payments for the benefit of a child whose support rights have been so assigned; or
- filing a pleading by the office in a suit affecting the parent-child relationship.

S.B. 285 authorizes a party to sign the waiver of the right to service of process and a court hearing that is contained in an agreed child support review order using a digitized signature and requires the waiver to be sworn before a notary public or executed using a specified unsworn declaration. The bill requires the omission of a party's mailing address if the court has previously made a finding and ordered nondisclosure relating to the parties and the order has not been superseded or the child support review order contains an agreed finding and order.

S.B. 285 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 the filing to not later than the seventh day after the filing.

EFFECTIVE DATE

September 1, 2021.