

SUBJECT: Obtaining information for child support cases

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 7 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, A. Reyna

0 nays

2 absent — Smith, Williams

WITNESSES: For — David Shelton, Texas Fathers Alliance; Mary Rhoads, Texas Association of Domestic Relations Offices; Bruce Elfant

Against — None

On — Robert L. (Bob) Green, Primary Nurturing Fathers of Texas and Texas Fathers Alliance

BACKGROUND : Domestic relations offices are county offices that serve families, county departments and courts. In addition to other duties, they collect and disburse child support payments, maintain records of those payments, and file suits to modify or enforce court ordered child support.

DIGEST: CSHB 3109 would authorize domestic relations offices to obtain from any person certain information necessary to establish, modify or enforce a child support order. The information could relate to another person's identity, location, employment, compensation, benefits, income, property holdings or other assets.

The person receiving a request for information from the domestic relations office would be required to provide the information in the most efficient manner available, including using electronic transfer, and guarantee the privacy and security of the information.

A person who disclosed information in response to a request from a domestic relations office could not be held liable for damages resulting from the disclosure of the information.

CSHB 3109 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

CSHB 3109 would assist domestic relations offices in obtaining necessary information to enforce child support orders. Better enforcement of child support orders would help Texas children, many of whom depend on child support for the basic necessities of life. Sometimes domestic relations offices have trouble obtaining information to locate alleged fathers to establish paternity and difficulty locating delinquent obligors and any property that can be used to satisfy child support obligations. CSHB 3109 would enable domestic relations offices to obtain information from individuals and institutions to help them complete these tasks. In turn, this would help Texas children receive the child support they deserve and could help keep children and custodial parents off of public assistance. Domestic relations offices should be given all tools necessary to accomplish this important task.

CSHB 3109 would not be overly broad. Allowing offices to request information from any person would ensure that information can be obtained from everyone — including government offices, businesses and individuals. CSHB 3109 includes safeguards to prevent abuse of this authority because information could be requested only if it was necessary to establish, modify or enforce a child support order. In addition, CSHB 3109 would not penalize persons for failing to provide information

CSHB 3109 would contain adequate provisions to protect the confidentiality of information that would be obtained, as well as anyone who disclosed information at the request of a domestic relations office.

**OPPONENTS
SAY:**

The power to request information from any person would be too broad and could be easily abused. It would be inappropriate for a government agency to require a private person to give out this type of information about another person. Requests for information should at least be limited to government agencies, private companies, institutions or other entities.

CSHB 3109 would place an inappropriate burden for guaranteeing the privacy and security of the information on the persons receiving requests. They should only have to take reasonable precautions to protect the

information; they could not guarantee the privacy and security of the information once it left their hands.

NOTES:

The original version of the bill would have allowed domestic relations offices to request information from state or local government agencies, private companies, institutions or other entities, rather than any person.

Rep. Serna plans to offer a floor amendment to clarify the standard for ensuring the privacy and security of information disclosed.