

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1161
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Jurisprudence
4-9-97
Committee Report (Substituted)

DIGEST

Currently, Title IV-D of the federal Social Security Act provides federal funding for states that participate in child support enforcement programs. The Texas Attorney General's Office, the state's designated Title IV-D agency, established and monitored 35,000 new support orders last year. All Texas counties are required to establish local registries to receive and disburse child support payments and maintain official records of those payments. Some counties have also established domestic relations offices that collect and disburse funds and are authorized to enforce orders against persons owing child support payments. This bill will authorize counties to contract with private entities for the collection of child support payment and provide for the electronic transfer of the support payments.

PURPOSE

As proposed, C.S.S.B. 1161 authorizes counties to contract with private entities for the collection of child support payment and provides for the electronic transfer of the support payments.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a commissioners court and a domestic relations office in SECTION 1 (Section 153.003(c)(1), Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 10B, Human Resources Code, by adding Chapter 153, as follows:

CHAPTER 153. CHILD SUPPORT COLLECTION BY PRIVATE ENTITY

Sec. 153.001. **APPLICABILITY.** Provides that this chapter applies only to certain counties.

Sec. 153.002. **AUTHORITY TO CONTRACT.** Authorizes a county acting through its commissioners court or domestic relations office to contract with a private entity to take certain actions.

Sec. 153.003. **TERMS AND CONDITIONS OF CONTRACT.** Requires the commissioners court or domestic relations office to include all appropriate terms and conditions in the contract that it determines are reasonable to secure the services of a private entity as provided by this chapter, including certain items.

Sec. 153.004. **FUNDING.** Authorizes a commissioners court on its behalf or on behalf of the domestic relations office to charge certain fees in order to provide or recover the costs of providing services authorized by this chapter. Authorizes the commissioners court on its behalf or on behalf of the domestic relations office to provide, by order, for reasonable exemptions from the collection of fees and to require payment of a fee authorized by Subsections (a)(2) and (a)(3) annually and in advance. Prohibits a commissioners court from charging a fee under Subsection (a)(2) if the amount of child support ordered to be paid is less than the equivalent of \$100 per month. Authorizes the fees established under Subsection (a) to be collected by any means provided for the collection of child support. Authorizes the commissioners court on its behalf or on behalf of the domestic relations office to provide for

the manner of collection of fees and the apportionment of payments received to meet fee obligations.

Sec. 153.005. CUMULATIVE EFFECT OF CHAPTER. Provides that a power or duty conferred on a county, county official, or county instrumentality by this chapter is cumulative of the powers and duties created or conferred by other law.

SECTION 2. Amends Section 154.242(b), Family Code, to require the obligee to furnish to the local registry the necessary bank account information to complete electronic payment if the Title IV-D agency agrees to accept electronic payment.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating Clause.

Amends the relating clause to state " relating to the authority of certain counties to contract with private entities for the collection of child support."

SECTION 1.

Amends Section 153.001, Human Resources Code, to set forth the applicability of this chapter. Redesignates subsequent sections.

Amends Section 153.002, Human Resources Code, to expand the items for which a commissioners court or domestic relations office is authorized to contract with a private entity.

Amends Section 153.003, Human Resources Code, to change the list of terms and conditions in a contract between the commissioners court or domestic relations office and a private entity.

Amends Section 153.004, Human Resources Code, to authorize the commissioners court on its behalf or on behalf of the domestic relations office to take certain actions. Changes the amount of fees to be charged. Deletes proposed text regarding a fee being charged to a person already charged a fee under Section 151.008(a)(1). Prohibits a fee being charged to a person in certain circumstances. Makes conforming and nonsubstantive changes.

Amends Section 153.005, Human Resources Code, to delete a proposed exception.

SECTION 2.

Amends Section 154.242(b), Family Code, to make nonsubstantive changes.

Deletes proposed SECTION 3, regarding provisions of Chapter 152, Human Resources Code. Redesignates subsequent SECTIONS.