

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1594
By: Haywood
Jurisprudence
4-29-97
Committee Report (Substituted)

DIGEST

During the 74th Legislative Session, many revisions were made to the Family Code. In the process, some items were left unclear or contained wording which needs clarification or refinement in regard to enforcing child support obligations. Additionally, the recently passed Federal Welfare Reform Act and the related federal regulations appear to contain provisions which should be reflected in state law. This bill would revise the Family Code to clarify and refine sections of the code and to include changes which appear to be federally mandated.

PURPOSE

As proposed, C.S.S.B. 1594 revises the Family Code in regard to the enforcement and collection of child support. Additionally, this bill amends the Family Code to track federal provisions set forth in the Federal Welfare Reform Act.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 110, Family Code, by adding Section 110.006, as follows:

Sec. 110.006. DOMESTIC RELATIONS OFFICE OPERATIONS FEE. Requires the clerk of the court, if an administering entity of a domestic relations office adopts an initial operations fee under Section 203.005(a)(1), to collect the fee at the time the suit is filed and send the fee to the domestic relations office.

SECTION 2. Amends Section 154.242(b), Family Code, to authorize, rather than require, a local registry in a county that makes deposits into personal bank accounts by electronic funds transfer as of April 1, 1995, to transmit a child support payment to an obligee by electronic funds transfer if the obligee maintains a bank account.

SECTION 3. Amends Section 157.102, Family Code, to authorize the capias to be forwarded to and disseminated by the Texas Crime Information Center and the National Crime Information Center.

SECTION 4. Amends Section 157.211, Family Code, to authorize the terms and conditions of community supervision, if the court places the respondent on community supervision and suspends commitment, to include, among other requirements, the requirement that the respondent pay required child support and any child support arrearages. Makes conforming changes.

SECTION 5. Amends Section 157.261, Family Code, to provide that for the purposes of this subchapter, interest begins to accrue on the date the judge signs the order for the judgment unless the order contains a statement that the order is rendered on another specific date. Makes a conforming change.

SECTION 6. Amends Section 158.104, Family Code, to authorize a request for issuance of an order or writ of withholding to be filed with the clerk of the court by, among others, the friend of the court.

SECTION 7. Amends Section 158.105(b), Family Code, to require the clerk to attach a copy of Subchapter C, rather than this subchapter, to the order or writ in order to inform the employer.

SECTION 8. Amends Section 158.203, Family Code, to require the employer to include with each payment transmitted the number assigned by the Title IV-D agency, the county identification number, if available, or the cause number of the suit under which withholding is required; the payor's name; and the payee's name, unless the payment is transmitted by electronic funds transfer. Makes a conforming change.

SECTION 9. Amends Section 202.002(b), Family Code, to authorize, rather than require, a friend of the court, no later than the 15th day of the month following the reporting month, to file an action to enforce, clarify, or modify a court order relating to child support or possession of or access to a child. Makes conforming changes.

SECTION 10. Amends Section 203.004, Family Code, by adding Subsection (c), to authorize a domestic relations office to hire or contract for the services of attorneys to assist the office in providing services under this chapter.

SECTION 11. Amends Section 203.006(a), Family Code, to require the fees received, among other actions, by a domestic relations office to be deposited in certain funds.

SECTION 12. Amends Section 231.0011, Family Code, by adding Subsection (m), to provide that this section does not limit the ability of the Title IV-D agency to enter into an agreement with a county for the provision of services as authorized under Section 231.002.

SECTION 13. Amends Section 231.101, Family Code, by adding Subsection (c), to require the Title IV-D agency to distribute a child support payment received by the agency from an employer within two working days after the date the agency receives the payment.

SECTION 14. Amends Section 32.41(f), Penal Code, to provide that an offense is a Class B misdemeanor if the check or similar sight order that was issued or passed for a child support payment the obligation for which is established under a court order. Makes conforming changes.

SECTION 15. (a) Effective date: September 1, 1997.

(b) Makes application of Section 110.006, Family Code, as added by this Act, prospective.

(c) Provides that Sections 154.242(b) and 158.203, Family Code, as amended by this Act, take effect January 1, 1998.

(d) Makes application of this Act prospective to October 1, 1999, or the date the state disbursement unit begins to operate, whichever date is earlier.

(e) Makes application of Section 32.41(f), Penal Code, as amended by this Act, prospective.

SECTION 16. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 6.

Omits proposed changes set forth in SECTION 6 to Section 157.268, Family Code, relating to application of child support payment. SECTIONS 7-12 are redesignated as SECTIONS 6-11.

SECTION 8.

Amends Section 158.203, Family Code, to revise the proposed information the employer is required to include with certain transmitted payments. Previously set forth in SECTION 9.

SECTION 12.

Adds proposed Subsection (m) to Section 231.0011, Family Code.

SECTION 13.

Omits proposed changes set forth in SECTION 13 to Section 231.0011(g), Family Code, relating to a county's contract with the Title IV-D agency. SECTIONS 14-17 are redesignated as SECTIONS 13-16. Amends Section 231.101, Family Code, to revise proposed Subsection (c). Previously set forth in SECTION 14.

SECTION 15.

Omits Section (d), setting forth session law relating to changes to Section 157.268, Family Code, previously set forth in SECTION 6. Sections (e) and (f) are redesignated as Sections (d) and (e). Revises Section (d), setting forth session law relating to changes to Section 231.101(c), Family Code.