

BILL ANALYSIS

Senate Research Center

S.B. 29
By: Zaffirini
Health & Human Services
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DIGEST

Currently, the U.S. Congress has passed welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which requires states to enact federal mandates with the intent and goal to improve child support enforcement and collections. This federal legislation was passed in August of 1996. This bill revises various provisions of the Family Code to comply with the federal mandates in PRWORA in order to avoid the potential loss of federal funds and the assessment of penalties for non-compliance under PRWORA. In regard to these revisions, this bill sets forth revisions relating to a centrally coordinated system to improve tracking delinquent parents, collecting and disbursing child support payment; streamlining the legal processes for paternity establishment; tougher penalties for non-payment; and a ban on jury trials in cases related to paternity determination.

PURPOSE

As proposed, S.B. 29 revises various provisions of the Family Code to comply with the federal mandates of the Personal Responsibility and Work Opportunity Reconciliation Act, passed by Congress in August of 1996.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Title IV-D agency in SECTIONS 7, 42, 45, 67, 78, and 93 (Sections 105.006(g), 158.106(a), 158.205(a), 158.504(a), 231.307(b), 234.003(b), and 234.104, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 101.011, Family Code, to redefine "earnings."

SECTION 2. Amends Section 101.012, Family Code, to redefine "employer."

SECTION 3. Amends Section 101.020, Family Code, to redefine "medical support."

SECTION 4. Amends Section 101.034, Family Code, to redefine "Title IV-D case."

SECTION 5. Amends Chapter 101, Family Code, by adding Sections 101.0011, 101.0161, 101.0201, and 101.0301, as follows:

Sec. 101.0011. ADMINISTRATIVE WRIT OF WITHHOLDING. Defines "administrative writ of withholding."

Sec. 101.0161. JUDICIAL WRIT OF WITHHOLDING. Defines "judicial writ of withholding."

Sec. 101.0201. NOTICE OF APPLICATION FOR JUDICIAL WRIT OF WITHHOLDING. Defines "notice of application for judicial writ of withholding."

Sec. 101.0301. STATE CASE REGISTRY. Defines "state case registry."

SECTION 6. Amends Section 105.002(b), Family Code, to prohibit a party from demanding a jury trial in, among other suits, a suit to determine parentage under Chapter 160. Makes a conforming changes.

SECTION 7. Amends Section 105.006, Family Code, by amending Subsections (b), (c), (e), and (g), and by adding Subsection (f), as follows:

(b) Requires a court to order each party to inform, among others, the court that rendered the order and the state case registry under Chapter 234, Family Code, of an intended change in any of the information required by this section as long as any person, as a result of the order, is under an obligation to pay child support or is entitled to possession or access to a child.

(c) Authorizes a court, after finding notice and hearing that requiring a party to provide the information required by this section to another party is likely to cause a child or a conservator harassment, abuse, serious harm, or injury, to order the information not to be disclosed to another party; or render any other order the court considers necessary.

(e) Requires an order in a suit that orders child support or possession of or access to a child to contain a certain notice, rather than order, in bold-faced type or in capital letters. Sets forth the notice provisions to provide that each person who is a party to the order is ordered to notify each other party, the court, and the state case registry of any change in, among other items, the party's driver's license number. Deletes a clause in the notice requiring notification within 10 days after the date of any change in certain information regarding the party. Makes conforming changes.

(f) Authorizes the court, on a showing that diligent effort has been made to determine the location of a party, to consider due process requirements for notice and service of process to be met with respect to that party on delivery of written notice to the most recent residential or employer address filed by that party with the court and the state case registry.

(g) Requires the Title IV-D agency to promulgate and provide forms for a party to use in reporting to the court, and, when established, to the state case registry under Chapter 234 certain information. Deletes a provision relating to a court in a county with a population of 2.8 million or more.

SECTION 8. Amends Chapter 105, Family Code, by adding Section 105.008, as follows:

Sec. 105.008. **RECORD OF SUPPORT ORDER FOR STATE CASE REGISTRY.** Requires the clerk of the court to provide the state case registry with a record of a court order for child support as required by procedures adopted under Section 234.003. Requires the Title IV agency, to the extent federal funds are available, to reimburse the clerk of the court for costs incurred in providing the record of support order required under this section.

SECTION 9. Amends Section 110.002(a), Family Code, to authorize the clerk of the court to collect a filing fee of \$15 in suit for filing, among other items, a notice of application for judicial writ of withholding, rather than delinquency.

SECTION 10. Amends Section 110.004, Family Code, as follows:

Sec. 110.004. New heading: **FEE FOR ISSUING AND DELIVERING WITHHOLDING ORDER OR WRIT.** Authorizes the clerk of the court to charge a reasonable fee for each order or writ of income withholding issued by the clerk and delivered to an employer. Deletes a clause in regard to delivery of order or writ to the employer by mail.

SECTION 11. Amends Section 154.007(a), Family Code, to require, in a proceeding in which periodic payments of child support, among other items, are modified or enforced, the court or Title IV-D agency to order that income be withheld from the disposable earnings of the obligor as provided by Chapter 158. Deletes a clause excepting the requirement of Subsection (a) in certain circumstances.

SECTION 12. Amends Section 154.184(b), Family Code, to require the employer to automatically enroll the child for the first 31 days after the receipt of the order or notice of the medical support order under Section 154.186 on the same terms and conditions as apply to any other dependent child if the employee or member is eligible for dependent health coverage.

SECTION 13. Amends Section 154.186, Family Code, as follows:

Sec. 154.186. New heading: NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT. Authorizes the obligee, obligor, or a child support agency to send to the employer a copy of the order requiring an employee to provide health insurance coverage for a child or to include notice of the medical support order in an order or writ of withholding sent to the employer in accordance with Chapter 158.

SECTION 14. Amends Sections 154.187(a), (c), and (d), Family Code, to provide that, in addition to an order, a notice to an employer directing that health care insurance coverage be provided to a child of an employee or member is binding on a current or subsequent employer on receipt without regard to the date the order was rendered. Requires the employer, if the employee or member is eligible for dependent health coverage for the child, to immediately enroll the child in a health insurance plan regardless of whether the employee is enrolled in the plan. Requires the employer, if, among other items, enrollment in coverage cannot be made permanent, to provide notice to the sender in accordance with this section. Requires the employer, if the employee ceases employment or if the health insurance coverage lapses, to provide to the sender notice of the termination or lapse and of the availability of any conversion privileges. Makes conforming and nonsubstantive changes.

SECTION 15. Amends Section 154.189, Family Code, to require an obligor ordered to provide health insurance coverage for a child to notify, among others, any child support agency enforcing a support obligation against the obligor of certain conditions relating to the health insurance coverage. Authorizes the obligor, the obligee, or the child support agency to send a new employer a copy of the order requiring the employee to provide health insurance for a child or notice of the medical support order when termination of coverage results from a change of employers. Makes a conforming change.

SECTION 16. Amends Chapter 154D, Family Code, by adding Section 154.193, as follows:

Sec. 154.193. MEDICAL SUPPORT ORDER NOT QUALIFIED. Authorizes the tribunal, if a plan administrator or other person acting in an equivalent position determines that a medical support order issued under this subchapter does not qualify for enforcement under federal law, to render an order that qualifies for enforcement under federal law. Provides that the procedure for filing a motion for enforcement of a final order applies to a motion under this section, service of citation is not required, and a person is not entitled to a jury in a proceeding under this section. Provides that the employer or plan administrator is not a necessary party to a proceeding under this section.

SECTION 17. Amends Section 154.401(a), to authorize a court, except as provided by this section, to modify an order that provides for the support of a child if, among two options, it has been three years since the order was rendered or last modified and the monthly amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded in accordance with the child support guidelines.

SECTION 18. Amends Section 157.002(b), to authorize a motion for enforcement of child support, among other items, to include a request that the obliger pay the arrearages in accordance with a plan approved by the court; or that the obligor participate in work activities that the court determines appropriate; when the obligor owes arrearages for a child receiving assistance under Title IV-A of the federal Social Security Act. Makes conforming and nonsubstantive changes.

SECTION 19. Amends Section 157.065(a), Family Code, to authorize notice of a motion for enforcement, if a party has been ordered under Chapter 105 to provide the court and the state case registry with the party's current mailing address, to be served by mailing a copy of the notice to the

respondent to the last mailing address of the respondent on file with the court and the registry, rather than the registry clerk.

SECTION 20. Amends Section 157.311, Family Code, to define "court having continuing jurisdiction." Makes a conforming change.

SECTION 21. Amends Section 157.312, Family Code, by adding Subsections (d), (e), and (f), to set forth the conditions in which a child support lien arises. Authorizes a child support lien arising in another state to be enforced in the same manner and to the same extent as a lien arising in this state. Provides that a foreclosure action under this subchapter is not required as a prerequisite to levy and execution on a judgment or an administrative determination of arrears rendered after notice and opportunity for hearing.

SECTION 22. Amends Section 157.313(a), Family Code, to require a child support lien to contain, among other items, the style, docket number, and identity of the tribunal of this state or another state, rather than court, having continuing jurisdiction of the child support action; the amount of child support arrearages owed by the obligor and the date of the signing, rather than rendition, of, among other items, the administrative order or writ, rather than issuance of the writ, that determined the arrearage, or the date and manner in which the arrearages were determined; the rate of interest specified in, among other items, the administrative order, or, in the absence of a specified interest rate, the rate provided for by law, rather than Subchapter F; and the name and address of the person or agency asserting the lien, rather than the person or agency to whom the payment of the child support arrearages shall be made.

SECTION 23. Amends Section 157.314, Family Code, to authorize a child support lien notice or an abstract of judgment for past due child support to be filed by the claimant with, among others, the county clerk of the county in which the court having continuing jurisdiction has venue of the suit affecting the parent-child relationship. Authorizes a child support lien to be filed with, among others, the clerk of the court in which a claim, counterclaim, or suit by, or on behalf of, the obligor, including a claim or potential right to proceeds from an estate as an heir, beneficiary, or creditor, is pending, provided that a copy of the lien is mailed to the attorney of record for the obligor, if any; any other individual or organization believed to be in possession of real or personal property of the obligor; or any governmental unit or agency that issues or records certificates, titles, or other indicia of property ownership.

SECTION 24. Amends Section 157.316, Family Code, to provide that a child support lien is perfected, rather than attaches, when an abstract of judgment for past due child support or a child support lien notice is filed with the county clerk.

SECTION 25. Amends Section 157.317(a), Family Code, to provide that a lien attaches to all real and personal property not exempt under the Texas Constitution owned by the obligor on or after the date the lien notice or abstract of judgment is filed with the county clerk of the county in which the property is located, with the court clerk as to property or claims in litigation, or, as to property of the obligor in the possession or control of a third party, from the date the lien notice is filed with that party.

SECTION 26. Amends Section 157.318, Family Code, as follows:

Sec. 157.318. New heading: DURATION AND EFFECT OF CHILD SUPPORT LIEN. Provides that a lien is effective until all current support and child support arrearages have been paid or the lien is otherwise released. Deletes a previous provision relating to duration of such a lien. Provides that the lien secures payment of all child support arrears owed by the obligor under the underlying support order. Deletes a provision relating to extension of the lien. Provides that the filing of a lien notice or abstract of judgment with the county clerk is a record of the notice and has the same effect as any other lien notice with respect to real property records.

SECTION 27. Amends Section 157.319, Family Code, as follows:

Sec. 157.319. New heading: EFFECT OF LIEN NOTICE. Provides that if a person having notice of the lien possesses nonexempt personal property of the obligor that may be subject to the lien, the property is prohibited from being paid over, released, sold, transferred, encumbered, or conveyed unless certain conditions exist. Authorizes a person having notice of a child support lien who violates this section to be joined as a party to a foreclosure action and is subject to penalties. Makes conforming changes.

SECTION 28. Amends Section 157.321, Family Code, to make a nonsubstantive change.

SECTION 29. Amends Sections 157.322(a) and (b), Family Code, to require the claimant to execute and deliver to the obligor or the obligor's attorney a release of the child support lien upon payment in full of the amount of child support due, together with any costs and reasonable attorney's fees. Sets forth when the release of the lien is effective. Authorizes a copy of the release to be filed with any other individual or organization that may have been served with a lien notice under this subchapter. Deletes a provision regarding the release of a child support lien.

SECTION 30. Amends Section 157.323, Family Code, as follows:

Sec. 157.323. New heading: FORECLOSURE OR SUIT TO DETERMINE ARREARAGES. Authorizes an action to foreclose a child support lien or to dispute the amount of arrearages stated in the lien to be brought in the court of continuing jurisdiction or, if there is no court of continuing jurisdiction in this state, in the district court of the county in which the property is or was located and the lien was filed. Deletes a reference to lien notice under this subchapter. Provides that the procedures provided by Subchapter B apply to a foreclosure action under this section. Requires the court, if arrearages are owed by the obligor, to, among other items, order an individual or organization in possession of nonexempt personal property or cash owned by the obligor to dispose of the property as the court may direct. Deletes a reference to notice to the obligor and the claimant. Sets forth the publication notice requirements for an execution and sale under this section.

SECTION 31. Amends Section 157.324, Family Code, to provide that a person who knowingly disposes of property subject to a lien or who, after a foreclosure hearing, fails to surrender on demand nonexempt personal property as directed by a court or administrative order is liable to the claimant in an amount equal to the arrearages for which the foreclosure judgment was issued.

SECTION 32. Amends Section 157.325(b), Family Code, to authorize the holder of the personal property or the obligor to file suit for an order determining the amount of arrearages and discharging excess personal property or money from the lien when the claimant refuses the request. Deletes a clause relating to petitioning the court of competent jurisdiction.

SECTION 33. Amends Section 157.326, to authorize a spouse of an obligor to file an affidavit with the court of continuing, rather than competent, jurisdiction or, if there is no court of continuing jurisdiction in this state, in the district court of the county in which the property is or was located and the lien was filed requesting that the court determine the extent of the spouse's interest in certain real or personal property. Requires the court, after notice to, among others, the obligee, to conduct a hearing and determine the extent of ownership interest in the property held by the obligor's spouse. Requires the court, if it finds, among other options, that the property is jointly owned by the obligor and the obligor's spouse, to determine whether the sale of the obligor's interest in the property would result in an unreasonable hardship on the obligor's spouse or family and, among two options, if not, to render an order partitioning the property and directing that the property be sold and the proceeds applied to the child support arrearages. Provides that in a proceeding under this section, rather than subsection, the spouse claiming an ownership interest in the property has the burden to prove the extent of that ownership interest. Makes a conforming change.

SECTION 34. Amends Section 158.001, Family Code, as follows:

Sec. 158.001. New heading: INCOME WITHHOLDING; GENERAL RULE. Requires the Title IV-D agency, among others, in a proceeding in which periodic payments of child support, among other items, are enforced, to order that income be withheld from the

disposable earnings of the obligor as provided by this chapter. Deletes a exception clause.

SECTION 35. Amends Section 158.002, Family Code, as follows:

Sec. 158.002. New heading: SUSPENSION OF INCOME WITHHOLDING. Authorizes the court, except in a Title IV-D case, to provide, for good cause shown or on agreement of the parties, that the order withholding income need not be issued or delivered to an employer until, among other items, any other violation of the child support order has occurred. Makes conforming changes.

SECTION 36. Amends Section 158.006, Family Code, to require the Title IV-D agency, among others, in a Title IV-D case, to order that income be withheld from the disposable earnings of the obligor and is prohibited from suspending, staying, or delaying issuance of the order or of a judicial or administrative writ of withholding. Deletes a clause regarding all child support payments.

SECTION 37. Amends Section 158.009, Family Code, to make a nonsubstantive change.

SECTION 38. Amends Section 158.010, Family Code, to provide that an order or writ withholding issued under this chapter and delivered to an employer doing business in this state is binding on the employer without regard to whether the obligor resides or works outside this state.

SECTION 39. Amends Section 158.011(a), Family Code, to authorize an obligor to file with the clerk of the court a notarized or acknowledged request signed by the obligor and the obligee for the issuance and delivery to the obligor's employer of a writ of withholding. Makes a conforming change.

SECTION 40. Amends Section 158.102, Family Code, to provide that the court retains jurisdiction to render an order that provides for income to be withheld from the disposable earnings of the obligor until all current support and child support arrearages have been paid. Deletes previous time limitations.

SECTION 41. Amends Section 158.103, Family Code, to require an order of withholding to state, among other items, the amount and duration of the child support payments and medical support payments or other provisions for medical support.

SECTION 42. Amends Section 158.106(a), Family Code, to require the Title IV-D agency to prescribe forms for, among other items, a notice of application for judicial writ of withholding; a judicial writ of withholding as provided by Subchapter D; and an administrative writ of withholding as provided by Subchapter F. Makes conforming changes.

SECTION 43. Amends Section 158.201, Family Code, as follows:

Sec. 158.201. New heading: ORDER OR WRIT BINDING ON EMPLOYER. Provides that an employer required to withhold income from earnings is not entitled to notice of the proceedings before the order is rendered or writ of withholding is issued. Provides that an order or writ of withholding is binding on an employer regardless of whether the employer is specifically named in the order or writ. Makes a conforming change.

SECTION 44. Amends Section 158.202, Family Code, to make a conforming change.

SECTION 45. Amends Section 158.205, Family Code, to authorize the employer, as appropriate, to file a motion with the court or file a request with the Title IV-D agency for a hearing on the applicability of the order or writ to the employer by the 20th day after the date an order or writ of withholding is delivered. Requires the Title IV-D agency, by rule, to establish procedures for an agency hearing under this section. Makes conforming changes.

SECTION 46. Amends Section 158.206(a), Family Code, to make conforming changes.

SECTION 47. Amends Section 158.207(b), Family Code, to make conforming changes.

SECTION 48. Amends Sections 158.209(c) and (d), Family Code, to authorize an action under this section to be brought by, among others, a friend of the court, the domestic relations office, or the Title IV-D agency. Makes a nonsubstantive change.

SECTION 49. Amends Chapter 158D, Family Code, as follows:

SUBCHAPTER D. New heading: JUDICIAL WRIT OF WITHHOLDING ISSUED BY
CLERK

SECTION 50. Amends Section 158.301, Family Code, as follows:

Sec. 158.301. New heading: NOTICE OF APPLICATION FOR JUDICIAL WRIT OF WITHHOLDING; FILING. Authorizes a notice of application for judicial writ of withholding to be filed upon certain optional conditions. Authorizes, rather than requires, the Title IV-D agency to file in a Title IV-D case a notice of application for judicial writ of withholding on request of the obligor or obligee. Makes a conforming change.

SECTION 51. Amends Section 158.302, Family Code, as follows:

Sec. 158.302. New heading: CONTENTS OF NOTICE OF APPLICATION FOR JUDICIAL WRIT OF WITHHOLDING. Requires the notice of application for judicial writ of withholding to be verified and, among other items, state the amount of monthly support due, including, among other items, medical support, that will be withheld in accordance with a judicial writ of withholding; and to describe the actions that may be taken if the obligor contests the notice of application for judicial writ of withholding. Makes conforming changes.

SECTION 52. Amends Sections 158.303(a) and (c), Family Code, to delete a reference to a Title IV-D case. Makes conforming changes.

SECTION 53. Amends Section 158.304, Family Code, as follows:

Sec. 158.304. New heading: ADDITIONAL ARREARAGES. Authorizes the judicial writ, if the notice of application for judicial writ of withholding states, rather than claims, that the obligor has repeatedly failed to pay support in accordance with the underlying support order, to include arrearages that accrue between the filing of the notice and the date of the hearing or the issuance of a judicial writ of withholding. Deletes a clause relating to anticipated future violations.

SECTION 54. Amends Section 158.306, Family Code, as follows:

Sec. 158.306. New heading: DELIVERY OF NOTICE OF APPLICATION FOR JUDICIAL WRIT OF WITHHOLDING; TIME OF DELIVERY. Requires the party, rather than the attorney, who filed the notice, to file with the court a certificate stating the name, address, and date on which the mailing or hand delivery was made if the notice is delivered by mailing or hand delivery. Makes conforming changes.

SECTION 55. Amends Section 158.307(a), Family Code, to make conforming and nonsubstantive changes.

SECTION 56. Amends Section 158.308, Family Code, to make conforming changes.

SECTION 57. Amends Section 158.309, Family Code, to delete a reference to a motion to stay in a proceeding that is not in a Title IV-D case. Requires the court, upon hearing, to render an order for income withholding that includes a determination of the amount of child support arrearages, or to grant the motion to stay. Deletes a reference to denial of requested relief. Makes conforming changes.

SECTION 58. Amends Sections 158.310(a) and (c), Family Code, to make conforming changes.

SECTION 59. Amends Section 158.311(a), Family Code, to make conforming changes.

SECTION 60. Amends Section 158.312(a), Family Code, to require a certain party, if a notice of application for judicial writ of withholding is delivered and a motion to stay is not filed within the time limits provided by Section 158.307, to file with the clerk of the court a request for issuance of the writ of withholding stating the amount of current support, including medical support, the amount of arrearages, and the amount to be withheld from the obligor's income. Deletes a reference to clerk of the court.

SECTION 61. Amends Section 158.314, Family Code, to require the judicial writ of income withholding issued by the clerk to direct that the employer or a subsequent employer withhold from the obligor's disposable income for current child support, including medical support, and child support arrearages an amount that is consistent with the provisions of this chapter regarding order of withholding.

SECTION 62. Amends Section 158.315, Family Code, as follows:

Sec. 158.315. New heading: EXTENSION OF REPAYMENT SCHEDULE BY PARTY; UNREASONABLE HARDSHIP. Makes conforming changes.

SECTION 63. Amends Section 158.317, Family Code, as follows:

Sec. 158.317. New heading: FAILURE TO RECEIVE NOTICE OF APPLICATION FOR JUDICIAL WRIT OF WITHHOLDING. Makes conforming changes.

SECTION 64. Amends Section 158.319, Family Code, as follows:

Sec. 158.317. New heading: ISSUANCE AND DELIVERY OF JUDICIAL WRIT OF WITHHOLDING TO SUBSEQUENT EMPLOYER. Makes conforming changes.

SECTION 65. Amends Section 158.401(b), Family Code, to require the clerk of the court to issue a judicial writ of withholding to the obligor's employer reflecting any modification or changes in the amount to be withheld or the termination of withholding at the request of the Title IV-D agency.

SECTION 66. Amends Section 158.402, Family Code, as follows:

Sec. 158.402. New heading: AGREEMENT BY PARTIES REGARDING AMOUNT OR DURATION OF WITHHOLDING. Authorizes an obligor and obligee to agree on a reduction in or termination of income withholding for child support on the occurrence of one of three certain contingencies stated in the order. Authorizes the obligor or obligee to file, among others, an acknowledged request with the clerk of the court for a revised judicial writ of withholding. Provides that an agreement by the parties under this section does not modify the terms of the support order. Makes conforming changes.

SECTION 67. Amends Chapter 158, Family Code, by adding Subchapter F, as follows:

SUBCHAPTER F. ADMINISTRATIVE WRIT OF WITHHOLDING IN TITLE IV-D CASES

Sec. 158.501. ISSUANCE OF ADMINISTRATIVE WRIT OF WITHHOLDING. Authorizes the Title IV-D agency to initiate income withholding by issuing an administrative writ of withholding for the enforcement of an existing order.

Sec. 158.502. WHEN ADMINISTRATIVE WRIT OF WITHHOLDING MAY BE ISSUED. Authorizes an administrative writ of withholding to be issued at any time until all

current support and child support arrearages have been paid.

Sec. 158.503. DELIVERY OF ADMINISTRATIVE WRIT TO EMPLOYER; FILING WITH COURT. Authorizes an administrative writ of withholding to be delivered to an employer by mail or electronic transmission. Requires the Title-IV D agency to file a copy of the writ in the court of continuing jurisdiction by a certain deadline. Sets forth the required contents of the copy of the administrative writ of withholding filed with the clerk of the court.

Sec. 158.504. CONTENTS OF ADMINISTRATIVE WRIT OF WITHHOLDING. Requires the administrative writ of withholding to be in the form prescribed by the Title IV-D agency and in a standard format authorized by the U.S. Dept. of Health and Human Services. Authorizes an administrative writ of withholding to contain only the information that is necessary for the employer to comply with the existing withholding order.

Sec. 158.505. NOTICE TO OBLIGOR. Requires the Title-IV D agency to send the obligor certain items on issuance of an administrative writ of withholding. Sets forth the delivery options for the notice. Requires the copy of the administrative writ of withholding delivered to the obligor to include the information concerning income withholding provided in the original writ to the employer.

Sec. 158.506. CONTEST BY OBLIGOR TO ADMINISTRATIVE WRIT OF WITHHOLDING. Authorizes an obligor receiving the notice under Section 158.503 to request a review by the Title IV-D agency to resolve any issue in dispute regarding the identity of the obligor or the existence or amount of arrearages. Requires the Title IV-D agency to provide an opportunity for a review as may be appropriate under the circumstances. Authorizes the Title IV-D agency to issue a new administrative writ of withholding to the employer. Provides that if a review fails to resolve any issue in dispute, the obligor is entitled to the remedies provided by Section 158.317 for cases in which a notice of an application for judicial writ of withholding was not received. Authorizes the obligor to file a motion with the court to withdraw the administrative writ and request a hearing with the court by the 30th day after receiving notice of the agency's determination. Prohibits income withholding from being interrupted pending a hearing by the court.

Sec. 158.507. ADMINISTRATIVE WRIT TERMINATING WITHHOLDING. Authorizes an administrative writ to terminate withholding to be issued and delivered to an employer by the Title IV-D agency when all current support and child support arrearages have been paid.

Sec. 158.508. INTERSTATE REQUEST FOR INCOME WITHHOLDING. Authorizes an administrative writ of withholding to be issued in a Title IV-D interstate case on registration of a foreign support order as provided by Chapter 159.

SECTION 68. Amends Section 231.002, Family Code, by amending Subsection (d) and by adding Subsections (e) and (f), to authorize the Title IV-D agency to take certain administrative actions with respect to the location of a parent, the determination of parentage, and the establishment, modification, and enforcement of child support and medical support orders required by 42 U.S.C. Section 666(c), without obtaining an order from any other judicial or administrative tribunal. Requires the Title IV-D agency to recognize and enforce the authority of the Title IV-D agency of another state to take actions similar to the actions listed in this section. Requires the Title IV-D agency to develop and use procedures for the administrative enforcement of interstate cases meeting the requirements of 42 U.S.C. Section 666(a)(14).

SECTION 69. Amends Section 231.101, Family Code, by amending Subsection (b) and by adding Subsections (c) and (d), to require the Title IV-D agency, at the request of either the obligee or obligor, rather than parent, to review a child support order once every three years and adjust the support amount to meet the requirements of the child support guidelines under Chapter 154. Requires a party subject to a support order to be provided notice not less than once every three years of the party's right to request that the Title IV-D agency review and adjust the amount of the ordered support. Authorizes the Title IV-D agency to review a support order at any time on a showing of a material and substantial change in circumstances.

SECTION 70. Amends Section 231.104(a), Family Code, to limit Subsection (a) to the extent authorized by 42 U.S.C. Section 608. Makes a conforming change.

SECTION 71. Amends Section 231.105, Family Code, as follows:

Sec. 231.105. New heading: NOTICE OF CHANGE OF PAYEE. Requires the Title IV-D agency, if a court has ordered support payments to be made to an applicant for or recipient of financial assistance or to a person other than the applicant or recipient, to direct the obligor or other payor to make support payments payable to the Title IV-D agency and to transmit the payments to the agency. Requires, rather than authorizes, the Title IV-D agency to file a copy of the notice with the court ordering the payments and with the child support registry. Requires the notice to include, among other items, instruction for the payment ordered support to the agency. Requires the clerk, on receipt of a copy of the notice under this section, to file the notice in the appropriate case file, rather than order that the payments be made to the Title IV-D agency. Deletes a clause requiring the court to order payments to be made without a hearing. Makes conforming changes.

SECTION 72. Amends Section 231.106, Family Code, to require, rather than authorize, the Title IV-D agency, on termination of support rights to the Title IV-D agency, to send, rather than file, a notice of termination of assignment to the obligor or other payer, which may direct, rather than include a request, that all or a portion of the payments be made payable to the agency and to other persons who are entitled to receive the payments. Requires the Title IV-D agency to send a copy of the notice of termination of assignment to the court ordering the support and to the child support registry, and on receipt of the notice, requires the clerk of the court to file the notice in the appropriate case file, rather than order that the payments be directed as stated in the notice.

SECTION 73. Amends Section 231.107, Family Code, to require the Title IV-D agency to file for recordation, with the county clerk of each county in which such abstract or lien has been filed, a certificate that a notice of change of payee, rather than an order of assignment, has been issued, among other items, by the agency, under certain conditions.

SECTION 74. Amends Section 231.108, Family Code, by adding Subsection (e), to prohibit the Title IV-D agency from releasing information on the physical location of a person under certain conditions.

SECTION 75. Amends Section 231.301, Family Code, to require the parent locator service conducted by the Title IV-D agency to be used to obtain information for child support enforcement purposes regarding certain items of any individual under an obligation to pay child or medical support or to whom a support obligation is owed, rather than regarding the whereabouts and holdings of any person when the information is to be used for the purposes of locating the person and establishing or enforcing a support or medical support obligation against the person.

SECTION 76. Amends Section 231.302, Family Code, by amending Subsections (a), (b), (c), and (e) and by adding Subsection (g), as follows:

(a) Authorizes the Title IV-D agency of this or another state to request and obtain certain information regarding any person from a state or local government agency, private company, institution, or other entity as necessary to establish, modify, or enforce a support order, rather than require the Title IV-D agency to attempt to locate a certain person to establish or enforce a support or medical obligation.

(b) Requires a government agency, private company, institution, or other entity to provide the information requested under Subsection (a) and to provide the information, subject to safeguards for privacy and information security. Prohibits an individual or entity disclosing information under this section in response to a request from a Title IV-D agency from being held liable in a civil action or proceeding for the disclosure of the information.

(c) Requires each licensing authority responsible for issuing a professional license, a commercial driver's license, or an occupational license to require that the social security

number of an applicant for a license be recorded on the application to assist in the administration of laws relating to child support enforcement under Parts A and D of Title IV of the federal Social Security Act (42 U.S.C. Sections 601 et seq. and 651 et seq.). Makes conforming changes.

(e) Makes conforming and nonsubstantive changes.

(g) Defines "licensing authority."

SECTION 77. Amends Section 231.303, Family Code, to authorize the Title IV-D agency to impose a certain fine on an individual or entity that fails without good cause to comply with the administrative subpoena. Authorizes an alleged or presumed father or a parent who fails to comply with a subpoena without good cause to also be subject to license suspension. Authorizes a court to compel compliance with an administrative subpoena and with any administrative fine and to award attorney's fees and costs to the Title IV-D agency in enforcing an administrative subpoena on proof that an individual or organization failed without good cause to comply with the subpoena. Prohibits an individual or organization from being liable in a civil action or proceeding for disclosing financial or other information to a Title IV-D agency under this section. Authorizes the Title IV-D agency to disclose certain information only to the extent necessary to establish, modify, or enforce a child support order. Makes conforming and nonsubstantive changes.

SECTION 78. Amends Chapter 231D, Family Code, by adding Section 231.307, as follows:

Sec. 231.307. FINANCIAL INSTITUTION DATA MATCHES. Requires the Title IV-D agency to develop a certain system for the quarterly exchange of data with financial institutions doing business in the state to identify an account of an obligor owing past-due child support and enforce support obligations against the obligor. Requires the Title IV-D agency, by rule, to establish procedures for data matches authorized under this section. Sets forth the limited liability for a financial institution providing certain information. Defines "financial institution" and "account."

SECTION 79. Amends Chapter 231E, Family Code, to redesignate it as Chapter 233, Family Code, as follows:

CHAPTER 233. New heading: CHILD SUPPORT REVIEW PROCESS TO ESTABLISH OR ENFORCE SUPPORT OBLIGATIONS

Sec. 233.001. PURPOSE. Redesignated from Sec. 231.401. Provides that the purpose of the procedures specified in the child support review process authorized by this chapter, rather than subchapter, is to enable the Title IV-D agency to take expedited administrative actions to establish, modify, and enforce child support and medical support obligations, to determine parentage, or to take any other action authorized or required under Title IV-D, of the federal Social Security Act, and Chapter 231, rather than provide child support agencies an opportunity to resolve routine child support actions through agreement of the parties or uncontested orders. Provides that a child support review order issued under this chapter and confirmed by a court constitutes an order of the court and is enforceable by any means available for the enforcement of child support obligations under this code.

Sec. 233.002. AGREEMENTS ENCOURAGED. Requires the Title IV-D agency, rather than child support agencies, to encourage agreement of the parties, rather than to make the child support review process understandable to all parties. Makes a conforming change.

Sec. 233.003. BILINGUAL FORMS REQUIRED. Requires a notice or other form used to implement administrative procedures under this chapter, rather than the child support review process, to be printed in both Spanish and English. Makes a conforming change.

Sec. 233.004. INTERPRETER REQUIRED. Requires the Title IV-D agency to provide for interpreter services if a party participating in an administrative proceeding under this chapter, rather than a negotiation conference, does not speak English. Makes conforming and

nonsubstantive changes.

Sec. 233.005. New heading: **INITIATING ADMINISTRATIVE ACTIONS**. Authorizes an administrative action under this chapter to be initiated by issuing a notice of child support review under Section 233.066 or a notice of proposed child support review order under Section 233.009 to each party entitled to notice. Makes conforming changes.

Sec. 233.006. **CONTENTS OF NOTICE OF CHILD SUPPORT REVIEW**. Requires the notice of child support review issued by the Title IV agency to describe the procedure for a child support review, including the procedures for requesting a negotiation conference; and to include an affidavit of financial resources to be executed by the recipient. Makes conforming and nonsubstantive changes.

Sec. 233.007. New heading: **SERVICE OF NOTICE**. Authorizes, rather than requires, a certain notice to be delivered by personal service or first class mail. Deletes a reference to certified mail. Makes conforming changes.

Sec. 233.008. **ADMINISTRATIVE SUBPOENA IN CHILD SUPPORT REVIEW**. Authorizes the Title IV-D agency, in a child support review under this chapter, to issue an administrative subpoena authorized under Chapter 231 to any individual or organization believed to have financial or other information needed to establish, modify, or enforce a child support order, rather than information on the financial resources of the parent or presumed or alleged father. Deletes Subsection (b). Makes conforming changes.

Sec. 233.009. New heading: **NOTICE OF PROPOSED CHILD SUPPORT REVIEW ORDER; NEGOTIATION CONFERENCE**. Authorizes the Title IV-D agency to serve on the parties a notice of proposed child support review order in enforcing or modifying an existing order after an investigation and assessment of financial resources. Sets forth the required contents of the notice of proposed child support review order. Makes conforming and nonsubstantive changes.

Sec. 233.010. New heading: **NOTICE OF NEGOTIATION CONFERENCE; FAILURE TO ATTEND CONFERENCE**. Requires the Title IV-D agency to notify all parties entitled to notice of the negotiation conference of certain information by a certain date. Authorizes the Title IV-D agency, if a party fails to attend the scheduled conference, to proceed with the review and to file a child support review order according to the information available to the Title IV-D agency. Makes conforming changes.

Sec. 233.011. **RESCHEDULING NEGOTIATION CONFERENCE; NOTICE REQUIRED**. Authorizes the Title IV-D agency to reschedule or adjourn a negotiation conference on the request of any party. Requires the Title IV-D agency to give all parties notice of a rescheduled conference by a certain date. Makes conforming changes.

Sec. 233.012. **INFORMATION REQUIRED TO BE PROVIDED AT NEGOTIATION CONFERENCE**. Requires the child support review officer, at the beginning of the negotiation conference, to inform the parties, among other items, that if the parties reach an agreement, the review officer will prepare an agreed review order to be effective immediately on being confirmed by the court, as provided by Section 233.024; that a party does not have to sign a review order prepared by the child support review officer but that the Title IV-D agency may file a review order without the agreement of the parties; that the parties may sign a waiver of the right to service of process; that a party may request a court hearing on a nonagreed order at any time before the 20th day after the date a petition for confirmation of the order is filed; and that a party may file a motion for a new trial at any time before the 30th day after an order is confirmed by the court. Makes conforming changes.

Sec. 233.013. **DETERMINING SUPPORT AMOUNT; MODIFICATION**. Requires the Title IV-D agency, if it has been three years since a child support order was rendered or last modified and the amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded under the child support guidelines,

to file, rather than issue, an appropriate child support review order. Makes conforming changes.

Sec. 233.014. New heading: RECORD OF PROCEEDINGS. Makes conforming changes.

Sec. 233.015. ISSUANCE OF CHILD SUPPORT REVIEW ORDER OR FINDING THAT NO ORDER SHOULD BE ISSUED; EFFECT. Requires the Title IV-D agency, rather than the review officer, if a negotiation conference does not result in agreement by all parties to the child support review order, to render, rather than promptly issue and sign, a final decision in the form of a child support review order or a determination that the agency should not issue a child support review order, by a certain date. Requires the Title IV-D agency, if the Title IV-D agency determines that the agency should not issue a child support order, to immediately provide each party with notice of the determination by personal, rather than hand, delivery or by first class mail. Requires a determination that a child support order should not be issued to include, among other items, a statement that the agency's determination does not affect the right of the Title IV-D agency, among other rights.

Sec. 233.016. VACATING CHILD SUPPORT REVIEW ORDER. Makes conforming changes.

Sec. 233.017. CONTENTS OF CHILD SUPPORT REVIEW ORDER. Requires an order, rather than an agreed child support review order, issued under this chapter, to be reviewed and signed by an attorney of the Title IV-D agency and to contain all provisions that are appropriate for an order under this title, including current child support, medical support, a determination of any arrearages or retroactive support, and, if not otherwise ordered, income withholding. Deletes Subdivision (b). Makes conforming changes.

Sec. 233.018. ADDITIONAL CONTENTS OF AGREED CHILD SUPPORT REVIEW ORDER. Requires each party to sign the child support review order and the order to contain as to each party certain information, rather than the provisions required by Section 231.417 and certain information. Sets forth requirements for the language of the review order. Makes conforming changes.

Sec. 233.019. New heading: FILING OF AGREED REVIEW ORDER. Requires the Title IV-D agency to file an agreed child support review order and a waiver of service signed by the parties, rather than a petition for confirmation, with the clerk of the court having continuing jurisdiction of the child who is the subject of the order. Requires a statement of paternity or a written report of a parentage testing expert and any documentary evidence relied upon by the agency to be filed with the agreed review order as an exhibit to the order. Makes conforming changes.

Sec. 233.020. New heading: CONTENTS OF PETITION FOR CONFIRMATION OF NONAGREED ORDER. Requires a petition for confirmation of a child support review order not agreed by the parties to include the final review order as an attachment to the petition. Makes conforming changes.

Sec. 233.021. DUTIES OF CLERK OF COURT. Require the clerk of the court, on the filing of an agreed child support review order or of a petition for confirmation of a nonagreed order issued by the Title IV-D agency, to endorse on the order or petition the date and time the order or petition is filed. Deletes Subsection (c). Requires the clerk to deliver by personal service a copy of the petition for confirmation of a nonagreed review order and a copy of the order to certain parties. Entitles a clerk of a district court to collect in a child support review case the fees authorized in a Title IV-D case by Chapter 231, rather than this chapter. Makes conforming changes.

Sec. 233.022. New heading: FORM TO REQUEST A COURT HEARING ON NONAGREED ORDER. Requires a court to consider any responsive pleading that is intended as an objection to confirmation of a child support review order not agreed to by the parties. Requires the Title IV-D agency to make available to each clerk of court copies of the

form to request a court hearing on a nonagreed review order; and provide the form to request a court hearing to a party to the child support review proceeding on request of the party. Requires the clerk to furnish the form to a party to the child support review proceeding on the request of the party. Makes conforming changes.

Sec. 233.023. TIME TO REQUEST A COURT HEARING. Makes conforming changes.

Sec. 233.024. New heading: CONFIRMATION OF AGREED ORDER. Requires the court to sign the order under certain conditions by the third day after the filing of the order. Requires the Title IV-D agency, on confirmation by the court, to immediately deliver to each party a copy of the signed agreed review order. Deletes text relating to confirmation of a child support review order without a hearing. Makes conforming changes.

Sec. 233.025. New heading: EFFECT OF REQUEST FOR HEARING ON NONAGREED ORDER; PLEADING. Provides that a request for hearing or an order setting a hearing on confirmation of a nonagreed child support review order stays confirmation of the order pending the hearing. Requires at a hearing on confirmation that any issues in dispute to be heard in a trial de novo. Makes conforming changes.

Sec. 233.026. TIME FOR COURT HEARING. Requires a court to hold a hearing on the confirmation of a child support review order that has not been agreed to by the parties by a certain date. Makes a conforming change.

Sec. 233.027. ORDER AFTER HEARING; EFFECT OF CONFIRMATION ORDER. Requires the court to take certain actions after the hearing on the confirmation of a nonagreed child support review order. Makes a conforming change.

Sec. 233.0271. CONFIRMATION OF NONAGREED ORDER WITHOUT HEARING. Requires the court under certain conditions to confirm and sign a nonagreed child support review order by the 30th day after the date the petition for confirmation was delivered to the last party entitled to service. Requires the Title IV-D agency to immediately deliver a copy of the confirmed nonagreed review order to each party by a certain date.

Sec. 233.028. SPECIAL CHILD SUPPORT REVIEW PROCEDURES RELATING TO ESTABLISHMENT OF PARENTAGE. Redesignated from Section 231.428. (a) Requires, under certain conditions, the notice of child support review delivered to, rather than served on, the parties to include certain information. Requires the notice to inform the parties that, among other items, the alleged parent of the child, rather than father, shall, rather than may, sign a statement of paternity or an acknowledgment of maternity or deny in writing that the alleged parent is the biological parent of the child; that if the alleged parent timely denies parentage of the child, the Title IV-D agency shall order parentage testing; and that if the alleged parent does not deny parentage of the child, the Title IV-D agency may conduct a negotiation conference. Makes conforming changes.

(b) Authorizes the Title IV-D agency to file an agreed child support review order as provided by this chapter if all parties agree to the child's parentage. Deletes text in regard to a negotiation conference.

(c) Requires a Title IV-D agency to order, rather than authorizes a child support agency to schedule, parentage testing and give each party notice of the time and place of testing if a party denies parentage. Authorizes the Title IV-D agency to file a child support review order resolving the question of parentage against that party under certain conditions. Deletes text in regard to sanctions for noncompliance with this subsection. Makes conforming changes.

(d) Authorizes the Title IV-D agency to conduct a negotiation conference to resolve any issues of support and file with the court a child support order under certain conditions. Makes conforming changes.

(e) Requires the Title IV-D agency to issue and provide to each party a child support review order that declares that the excluded person is not a parent of the child. Makes a conforming change.

Sec. 233.029. ADMINISTRATIVE PROCEDURE LAW NOT APPLICABLE. Deletes text in regard to the administrative procedure law. Makes a conforming change.

SECTION 80. Amend the title of Chapter 232, Family Code, as follows:

CHAPTER 232. New heading: **SUSPENSION OF LICENSE FOR FAILURE TO PAY CHILD SUPPORT OR COMPLY WITH SUBPOENA.**

SECTION 81. Amends Section 232.001, Family Code, by adding Subsection (4), to define "subpoena."

SECTION 82. Amends Section 232.003, Family Code, to authorize a Title IV-D agency to issue an order suspending a license if an individual who is an obligor, among other conditions, has a child support arrearage equal to or greater than the total support due for 90 days under a support order. Authorizes a court or the Title IV-D agency to issue an order suspending license as provided by this chapter if an individual has failed, after receiving appropriate notice, to comply with a subpoena. Makes conforming and nonsubstantive changes.

SECTION 83. Amends Section 232.004(d), Family Code, to authorize the director of the Title IV-D agency or the director's designee to render a final decision in a contested case proceeding under this chapter.

SECTION 84. Amends Section 232.005, Family Code, to require a petition under this chapter to state and allege the name and the social security number of the individual, rather than the obligor; the type, and if known, the number of any license the individual is believed to hold and the name of the licensing authority that issued the license; and the amount of arrearages owed under the child support order or the facts associated with the individual's failure to comply with a subpoena, rather than the support order, the amount of support paid, and the amount of arrearages. Authorizes a petition to include, among other items, a copy of the subpoena with which the individual has failed to comply, together with proof of service of the subpoena. Makes conforming changes.

SECTION 85. Amends Sections 232.006(a) and (c), Family Code, to require the court or the Title IV-D agency to deliver, rather than issue, to the individual certain items. Requires the notice to contain a certain statement in bold-faced type or capital letters. Sets forth the required statement. Makes conforming changes. Deletes text in regard to contents of the notice.

SECTION 86. Amends Section 232.007, Family Code, by amending Subsections (a) and (c) and by adding Subsection (d), to provide that in a case involving support arrearages, a record of child support payments made by the Title IV-D agency or a local registry is evidence of whether the payments were made. Provides that in a case in which an individual has failed to comply with a subpoena, proof of service is evidence of delivery of the subpoena. Makes a conforming change.

SECTION 87. Amends Section 232.008, Family Code, as follows:

Sec. 232.008. New heading: **ORDER SUSPENDING LICENSE FOR FAILURE TO PAY CHILD SUPPORT.** Requires the court or Title IV-D agency to render an order suspending the license on making the findings required by Section 232.003, unless the individual, among other conditions, shows good cause for failure to comply with the subpoena. Authorizes the court or Title IV-D agency to stay an order suspending a license conditioned on the individual's compliance with, among other items, the requirements of a reissued and delivered subpoena. Makes conforming changes.

SECTION 88. Amends Section 232.009, Family Code, to make a conforming change.

SECTION 89. Amends Sections 232.011(a), (d), and (e), to make conforming changes.

SECTION 90. Amends Section 232.012, Family Code, to authorize certain entities or persons to file a motion to revoke the stay of an order suspending license if the individual who is subject of an order suspending license does not comply with, among other items, the requirements for a reissued subpoena. Requires a motion to revoke stay to allege the manner in which the individual failed to comply with the repayment plan or the reissued subpoena. Makes conforming changes.

SECTION 91. Amends Sections 232.013(a) and (c), Family Code, to make conforming changes.

SECTION 92. Amend Section 232.014, Family Code, to make a conforming change.

SECTION 93. Amends Title 5D, Family Code, by adding Chapter 234, as follows:

CHAPTER 234. STATE CASE REGISTRY, DISBURSEMENT UNIT, AND DIRECTORY OF NEW HIRES

SUBCHAPTER A. UNIFIED STATE CASE REGISTRY AND DISBURSEMENT UNIT

Sec. 234.001. ESTABLISHMENT AND OPERATION OF UNIFIED REGISTRY AND DISBURSEMENT UNIT. Requires the Title IV-D agency to establish and operate a unified state case registry and state disbursement unit meeting the requirements of 42 U.S.C. Sections 654A(e) and 654B. Sets forth the required duties of the registry and the unit.

Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT AND MEDICAL SUPPORT MANAGEMENT. Requires the statewide integrated system for child support and medical support enforcement under Chapter 321 to be part of the unified state case registry and state disbursement unit.

Sec. 234.003. WORK GROUP; COOPERATION REQUIRED. Requires the Title IV-D agency to convene a work group to develop procedures for the establishment and operation of the unified state case registry and disbursement unit. Requires the work group to consist of representatives of the judiciary, district clerks, domestic relations offices, and the bureau of vital statistics, as well as other county and state agencies identified by the Title IV-D agency. Requires the work group to consolidate the reporting of information relating to court orders required of clerks of courts under this title. Requires the Title IV-D agency to adopt rules and prescribe forms to implement this subchapter.

Sec. 234.004. CONTRACTS AND COOPERATIVE AGREEMENTS. Authorizes the Title IV-D agency to enter into contracts and cooperative agreements as necessary to establish and operate the state case registry and state disbursement unit authorized under this subchapter.

Sec. 234.005. APPLICATION OF LAWS REQUIRING REPORTING TO REGISTRY. Provides that the requirements in Sections 105.006(b) and 105.008(a) that certain information be provided to the state case registry do not apply until the registry is established under this subchapter. Provides that this section expires September 1, 1999.

SUBCHAPTER B. STATE DIRECTORY OF NEW HIRES

Sec. 234.101. DEFINITIONS. Defines "employee" and "employer."

Sec. 234.102. Requires the Title IV-D agency to develop and operate a state directory to which employers in the state shall report each newly hired or rehired employee in accordance with the requirements of 42 U.S.C. Section 653A.

Sec. 234.103. Authorizes the Title IV-D agency to enter into cooperative agreements and contracts as necessary to create and operate the directory authorized under this subchapter.

Sec. 234.104. Requires the Title IV-D agency, by rule, to establish procedures for reporting employee information and for operating a state directory of new hires meeting the

requirements of federal law.

SECTION 94. Amends Section 24.002(4), Business & Commerce Code, to redefine "creditor."

SECTION 95. (a) Repealers: Sections 157.065(d), 157.322(c)-(e), 158.107, 158.305, 231.004, 231.430, 231.431, and 232.003, Family Code (Notice of Hearing, First Class Mail; Mandatory Release of Lien; Fees for Issuing and Delivery Writ; Time Limitations; Title IV-D Registry; Expiration of Subchapter; Study of Child Support Review Process; and Suspension of License).

(b) Repealer: Section 231.304, Family Code (Employer New Hire Reporting Program), effective on October 1, 1998.

SECTION 96. (a) Effective date: September 1, 1997.

(b) Makes application of this Act prospective.

(c) Provides that enactment of this Act does not by itself constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the support of or possession of or access to a child entered before the effective date of this Act.

(d) Effective date for Chapter 234B, Family Code: October 1, 1998.

SECTION 97. Emergency clause.