

BILL ANALYSIS

Senate Research Center

S.B. 1657
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Jurisprudence
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Texas law clearly states that a court cannot give a custodial parent the ability to deny possession of or access to a child because the obligor parent does not pay child support. This is to ensure that no parent can arbitrarily deny the other parent's access to the child. However, it could be construed from this law that the state's intent is for a court to not alter a possession order based on an obligor's failure to pay court-ordered child support. Failure of an obligor to pay court-ordered child support is a substantial change to the court-ordered requirements and would warrant a court modifying the terms of access and visitation.

As proposed, S.B. 1657 clarifies that the legislature does recognize that a court may alter a possession order because of flagrant and consistent failure to pay court-ordered child support.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 154.011, Family Code, to authorize a court to alter a standard possession order if child support payments are more than 12 consecutive months in arrears. Creates a subdivision from existing text.

SECTION 2. Effective date: September 1, 2005.