

BILL ANALYSIS

Senate Research Center
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S.B. 163
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, child support in Texas ends once a child reaches the age of 18 or the child graduates from high school, whichever occurs later. In 1993, the United States Commission on Interstate Child Support recommended that states have laws providing courts with discretionary power to order post-secondary support in suitable cases. According to a 2006 review prepared by the Office of the Attorney General, 17 states have statutory or case law that authorizes the courts in those states to order post-secondary support. Texas courts have that authority to order such support when agreed to by both parties to a child support suit, however there is no clear statutory authority.

As proposed, S.B. 163 authorizes courts to order either or both parents to support a child beyond the age of 18 as long as the child is younger than 21 years of age and remains enrolled as a full-time student in an educational institution.

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 Sections 154.001(a) and (a-1), Family Code, as follows:

(a) Authorizes the court to order support from either or both parents until the child is 18 years of age, and after the child's 18th birthday until the child's 21st birthday if the child remains enrolled as a full-time student in an educational institution, rather than until the child's 18th birthday or graduation from high school, whichever occurs later.

(a-1) Makes conforming changes.

SECTION 2. Amends Section 154.002, Family Code, as follows:

Sec. 154.002. New heading: CHILD SUPPORT WHILE ENROLLED IN SCHOOL. (a) Provides that a child who is younger than 21 years of age, who is enrolled on a full-time basis in a public, private, or independent institution of higher education as defined by Section 61.003 (Definitions), Education Code, and who is in compliance with certain requirements related to attendance at an accredited secondary school to those related to full-time status at or an institution of higher education, is a child for which the court is authorized to render an original support order, or modify an existing order, providing child support for the child past the child's 18th birthday.

(b) Makes a conforming change.

(c) Authorizes the order for periodic support to provide that payments continue through the end of the month in which the child turns 21 years of age or leaves school, rather than graduates, whichever occurs first.

SECTION 3. Amends Section 158.402(a), Family Code, by authorizing the child support obligor and obligee to agree to a reduction in or termination of income withholding for child support if the child in question is at least 18 years of age but younger than 21 years of age and is

not enrolled as a full-time student at an educational institution, or if the child becomes 21 years of age. Makes conforming changes.

SECTION 4. (a) Makes application of this Act prospective.

(b) Provides that the amendment made by this Act does not by itself constitute a material and substantial change of circumstance sufficient to warrant a modification of a court order or a portion of a decree that provides for child support rendered before the effective date of this Act.

SECTION 5. Effective date: September 1, 2007.