

## **BILL ANALYSIS**

Senate Research Center  
83R15221 JMM-D

H.B. 847  
By: Lucio III (Rodriguez)  
Jurisprudence  
4/19/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Although a court is currently authorized to hold a child support obligor in contempt if the obligor fails to pay the amount of support ordered by a court, an obligor may not be held in contempt for nonpayment if the obligor appears at the hearing and shows proof that the obligor has become current in paying child support. There are concerns that this allows many obligors to repeatedly fall behind with payments, only to pay the child support just before a hearing. While a court has the authority to award a petitioner attorney's fees and costs in such situations, the parties note that the court is left with no other recourse and an obligee may be forced to repeatedly seek enforcement of child support through the courts.

H.B. 847 seeks to prevent certain child support obligors from manipulating the court system by giving a court broader authority to enforce certain orders in a suit affecting the parent-child relationship.

H.B. 847 amends current law relating to the enforcement of an order to pay child support by contempt and the awarding of costs and fees in certain proceedings.

### **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 157.162(b), Family Code, to provide that a finding that the respondent is not in contempt does not preclude the court from awarding the petitioner court costs and reasonable attorney's fees or ordering any other enforcement remedy, including rendering a money judgment, posting a bond or other security, or withholding income.

SECTION 2. Repealers: Sections 157.162(d) (relating to prohibiting the court from finding a respondent in contempt of court for failure to pay child support if the respondent appears at the hearing with a copy of the payment record or other evidence satisfactory to the court showing that the respondent is current in the payment of child support as ordered by the court) and (e) (relating to authorizing the court, notwithstanding Subsection (d), to award the petitioner costs of court and reasonable attorney's fees in a proceeding described by that subsection if the court makes certain findings), Family Code.

SECTION 3. Provides that the repeal by this Act of Sections 157.162(d) and (e), Family Code, applies to a hearing to enforce an order in a suit affecting the parent-child relationship that commences on or after the effective date of this Act. Provides that a hearing that commences before the effective date of this Act is governed by the law in effect on the date the hearing commenced, and the former law is continued in effect for that purpose.

SECTION 4. Effective date: upon passage or September 1, 2013.