

BILL ANALYSIS

Senate Research Center

H.B. 943
By: Thompson, Senfronia (Rodriguez)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When determining an absent parent's child support payment amounts, judges rely on evidence presented by the absent parent. If no evidence is submitted, Section 154.068 of the Family Code requires the judge to assume that an individual is working 40 hours per week at the federal minimum wage.

Current law does not account for incarcerated parents' inability to appear at hearings or submit evidence for this purpose. Instead, the default assumption of full-time, minimum-wage employment is made for incarcerated parents. Consequently, they accumulate substantial amounts of debt while incarcerated. This debt creates a significant barrier to successful reintegration, and the Office of the Attorney General expends effort inefficiently on unsuccessful child support collection.

H.B. 943 amends Section 154.068 of the Family Code to remove the automatic assumption of earned income when the absent parent is incarcerated in a state or local facility for 90 days or more. Instead, the judge will use the parent's actual net income and resources in order to calculate appropriate child support obligations.

H.B. 943 amends current law relating to the applicability of a wage and salary presumption to an incarcerated person for purposes of determining child support obligations.

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 154.068, Family Code, as follows:

Sec.154.068. WAGE AND SALARY PRESUMPTION. (a) Creates this subsection from existing text and makes no further change.

(b) Provides that the presumption required by Subsection (a) does not apply if the court finds that the party is subject to an order of confinement that exceeds 90 days and is incarcerated in a local, state, or federal jail or prison at the time the court makes the determination regarding the party's income.

SECTION 2. Provides that the change in law made by this Act to Section 154.068, Family Code, applies only to a proceeding to establish or modify a child support obligation that is pending in a trial court on or filed on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.