

BILL ANALYSIS

Senate Research Center
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H.B. 2048
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Title IV-D cases are cases regarding child support. There is some ambiguity in statute regarding Title IV-D cases that H.B. 2048 clarifies.

Section 1 of H.B. 2048 clarifies the legislative intent of Title IV-D associate judges. This bill explicitly authorizes these judges to hear and render orders on all legal issues related to a Title IV-D case, as they traditionally have done.

Section 2 of H.B. 2048 aligns Texas law with the current Child Support Division practice of requesting that process servers not include addresses in service returns for customers whose child support court cases include a nondisclosure order or a pending request. Currently, courts may order that personal information about a party be protected if the court finds that disclosure of that information would subject the party to harassment, abuse, serious harm, injury, or family violence.

Section 3 allows agreed child support review process orders to be confirmed by the court by operation of law three days after filing. These orders are required to be signed by the court within three days of filing. However, in some cases, judges are not always available to sign these orders within the established timeframe, which can delay the ability of the Child Support Division to start collecting child support payments under the new order. This only applies to agreements that both parties have approved.

H.B. 2048 amends current law relating to certain procedures for cases and orders relating to the Title IV-D agency.

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 201.104(e), Family Code, as follows:

(e) Authorizes an associate judge, notwithstanding Subsection (d) (relating to authorizing only the referring court to hear and render an order on a motion for postjudgment relief) and subject to Section 201.1042(g) (relating to prohibiting an associate judge, until a de novo hearing is held and the referring court has taken certain actions on a timely filed motion for a new trial, from holding a hearing on the respondent's compliance), to hear and render an order on any matter necessary to be decided in connection with a Title IV-D service, including:

- (1) and (2) makes no changes to these subdivisions;
- (3) and (4) makes nonsubstantive changes;
- (5) a suit affecting the parent-child relationship; and

(6) a suit for modification under Chapter 156 (Modification).

SECTION 2. Amends Section 231.118, Family Code, by adding Subsection (d), as follows:

(d) Prohibits a return of the process made under this section in a suit, notwithstanding Subsection (c) (relating to requiring issuance and return of the process to be made in accordance with law and to be verified by a certain person), from including the address served if certain criteria are met.

SECTION 3. Amends Section 233.024(a), Family Code, to provide that on expiration of the third day after the filing of the order, the order is considered confirmed by the court by operation of law, regardless of whether the court has signed the order.

SECTION 4. (a) Provides that the change in law made by this Act to Section 201.104, Family Code, applies only to a Title IV-D case referred to an associate judge under Subchapter B (Associate Judge for Title IV-D Cases), Chapter 201 (Associate Judge), Family Code, on or after the effective date of this Act. Provides that a Title IV-D case referred to an associate judge before the effective date of this Act is governed by the law in effect on the date the case was referred, and the former law is continued in effect for that purpose.

(b) Provides that the change in law made by this Act to Section 231.118, Family Code, applies to a suit affecting the parent-child relationship filed on or after the effective date of this Act. Provides that a suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2017.