

BILL ANALYSIS

Senate Research Center
86R15807 MM-F

H.B. 558
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that child support payments for children with disabilities are often made to a special needs trust to prevent the child's income from exceeding the eligibility levels for certain benefit programs, including SSI, which would put the child in a worse position than if the child had never received those payments. However, concerns have been raised over some courts declining to approve child support orders that designate a special needs trust as the recipient of a child support payment because such a trust is not expressly included in state law as an entity to whom those payments may be made on the child's behalf. H.B. 558 seeks to address these concerns by providing for the express authorization to designate a special needs trust to receive support payments directly for the benefit of an adult child with a disability.

H.B. 558 amends current law relating to court-ordered support for a child with a disability.

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 154.302, Family Code, by adding Subsection (c), as follows:

(c) Authorizes a court that orders support under this section (Court-Ordered Support For Disabled Child) for an adult child with a disability, notwithstanding Subsection (b) (relating to requiring a court that orders support under this section to designate a parent or another person with physical custody or guardianship to receive support for the child), to designate a special needs trust and provide that the support is authorized to be paid directly to the trust for the benefit of the adult child. Requires the court to order that support payable to a special needs trust under this subsection be paid directly to the trust and prohibits the court from ordering the support be paid to the state disbursement unit. Provides that this subsection does not apply in a Title IV-D case.

SECTION 2. Provides that the change in law made by this Act constitutes a material and substantial change in circumstances under Section 156.401 (Grounds For Modification of Child Support), Family Code, sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the effective date of this Act.

SECTION 3. Effective date: September 1, 2019.