

By: Neave

H.B. No. 2952

A BILL TO BE ENTITLED

AN ACT

relating to suits affecting the parent-child relationship and the calculation and enforcement of child support.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 8, Family Code, is amended by adding Section 8.062 to read as follows:

Sec. 8.062. PLACE OF PAYMENT. If an obligor is ordered to pay an obligee maintenance under this chapter and child support under Chapter 154, the court shall order the payment of maintenance to the state disbursement unit as provided by Chapter 234.

SECTION 2. Subchapter B, Chapter 154, Family Code, is amended by adding Section 154.0655 to read as follows:

Sec. 154.0655. IMPUTATION OF INCOME. (a) In this section, "resources" has the meaning assigned by Section 154.062(b).

(b) To the extent possible, the court shall rely on evidence of a party's resources when applying the support guidelines.

(c) In the absence of evidence of a party's resources, the court, when applying Section 154.066 or 154.068, shall consider relevant background circumstances regarding the obligor, including:

(1) the obligor's:

(A) assets;

(B) residence;

(C) employment;

- 1 (D) earnings history;
2 (E) job skills;
3 (F) educational attainment;
4 (G) literacy;
5 (H) age;
6 (I) health;
7 (J) criminal history;
8 (K) barriers to employment; and
9 (L) record of seeking work;
10 (2) job opportunities in the obligor's community;
11 (3) the prevailing wage in the obligor's community;
12 and
13 (4) whether there are employers willing to hire the
14 obligor.

15 SECTION 3. Section 154.066, Family Code, is amended by
16 adding Subsection (c) to read as follows:

17 (c) The court may not consider incarceration as intentional
18 unemployment or underemployment when establishing or modifying a
19 support order.

20 SECTION 4. Section 154.125, Family Code, is amended to read
21 as follows:

22 Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES.

23 (a) The guidelines for the support of a child in this section are
24 specifically designed to apply to situations in which the obligor's
25 monthly net resources are not greater than the maximum amount of net
26 resources to which the statutory guidelines are applicable, as most
27 recently published by the Title IV-D agency in the Texas Register

1 ~~[\$7,500 or the adjusted amount determined under Subsection (a-1),~~
2 ~~whichever is greater].~~

3 (a-1) The ~~[dollar]~~ amount prescribed by Subsection (a) is
4 adjusted every six years as necessary to reflect inflation. The
5 Title IV-D agency shall compute the adjusted amount, to take effect
6 beginning September 1 of the year of the adjustment, based on the
7 percentage change in the consumer price index during the 72-month
8 period preceding March 1 of the year of the adjustment, as rounded
9 to the nearest \$50 increment. The Title IV-D agency shall publish
10 the adjusted amount in the Texas Register before September 1 of the
11 year in which the adjustment takes effect. For purposes of this
12 subsection, "consumer price index" has the meaning assigned by
13 Section 341.201, Finance Code.

14 (b) If the obligor's monthly net resources are not greater
15 than the amount described ~~[provided]~~ by Subsection (a) and the
16 obligor's monthly net resources are equal to or greater than the
17 amount described by Subsection (c), the court shall presumptively
18 apply the following schedule in rendering the child support order:

19 CHILD SUPPORT GUIDELINES

20 BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

21	1 child	20% of Obligor's Net Resources
22	2 children	25% of Obligor's Net Resources
23	3 children	30% of Obligor's Net Resources
24	4 children	35% of Obligor's Net Resources
25	5 children	40% of Obligor's Net Resources
26	6+ children	Not less than the amount for 5 children

27 (c) If the obligor's monthly net resources are less than

1 \$1,000, the court shall presumptively apply the following schedule
 2 in rendering the child support order:

3 LOW-INCOME CHILD SUPPORT GUIDELINES

4 BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

5	<u>1 child</u>	<u>15% of Obligor's Net Resources</u>
6	<u>2 children</u>	<u>20% of Obligor's Net Resources</u>
7	<u>3 children</u>	<u>25% of Obligor's Net Resources</u>
8	<u>4 children</u>	<u>30% of Obligor's Net Resources</u>
9	<u>5 children</u>	<u>35% of Obligor's Net Resources</u>
10	<u>6+ children</u>	<u>Not less than the amount for 5 children</u>

11 SECTION 5. Section 154.129, Family Code, is amended to read
 12 as follows:

13 Sec. 154.129. ALTERNATIVE METHOD OF COMPUTING SUPPORT FOR
 14 CHILDREN IN MORE THAN ONE HOUSEHOLD. (a) If the obligor's monthly
 15 net resources are not greater than the amount described by Section
 16 154.125(a) and if the obligor's monthly net resources are equal to
 17 or greater than the amount described by Section 154.125(c), in [In]
 18 lieu of performing the computation under the preceding section, the
 19 court may determine the child support amount for the children
 20 before the court by applying the percentages in the table below to
 21 the obligor's net resources:

22 MULTIPLE FAMILY ADJUSTED GUIDELINES

23 (% OF NET RESOURCES)

24		<u>Number of children before the court</u>							
25			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
26	Number of	0	20.00	25.00	30.00	35.00	40.00	40.00	40.00
27	other	1	17.50	22.50	27.38	32.20	37.33	37.71	38.00

1	children for	2	16.00	20.63	25.20	30.33	35.43	36.00	36.44
2	whom the	3	14.75	19.00	24.00	29.00	34.00	34.67	35.20
3	obligor	4	13.60	18.33	23.14	28.00	32.89	33.60	34.18
4	has a	5	13.33	17.86	22.50	27.22	32.00	32.73	33.33
5	duty of	6	13.14	17.50	22.00	26.60	31.27	32.00	32.62
6	support	7	13.00	17.22	21.60	26.09	30.67	31.38	32.00

7 (b) If the obligor's monthly net resources are less than the
8 amount described by Section 154.125(c), in lieu of performing the
9 computation under the preceding section, the court may determine
10 the child support amount for the children before the court by
11 applying the percentages in the table below to the obligor's net
12 resources:

13 LOW-INCOME MULTIPLE FAMILY ADJUSTED GUIDELINES

14 (% OF NET RESOURCES)

		<u>Number of children before the court</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	
17	<u>Number of</u>	<u>0</u>	<u>15.00</u>	<u>20.00</u>	<u>25.00</u>	<u>30.00</u>	<u>35.00</u>	<u>35.00</u>	<u>35.00</u>
18	<u>other</u>	<u>1</u>	<u>13.50</u>	<u>18.33</u>	<u>23.13</u>	<u>27.90</u>	<u>32.96</u>	<u>33.25</u>	<u>33.47</u>
19	<u>children for</u>	<u>2</u>	<u>12.50</u>	<u>17.00</u>	<u>21.50</u>	<u>26.50</u>	<u>31.50</u>	<u>31.94</u>	<u>32.28</u>
20	<u>whom the</u>	<u>3</u>	<u>11.63</u>	<u>15.80</u>	<u>20.63</u>	<u>25.50</u>	<u>30.41</u>	<u>30.92</u>	<u>31.33</u>
21	<u>obligor</u>	<u>4</u>	<u>10.80</u>	<u>15.33</u>	<u>20.00</u>	<u>24.75</u>	<u>29.56</u>	<u>30.10</u>	<u>30.55</u>
22	<u>has a</u>	<u>5</u>	<u>10.63</u>	<u>15.00</u>	<u>19.53</u>	<u>24.17</u>	<u>28.88</u>	<u>29.43</u>	<u>29.90</u>
23	<u>duty of</u>	<u>6</u>	<u>10.50</u>	<u>14.75</u>	<u>19.17</u>	<u>23.70</u>	<u>28.32</u>	<u>28.88</u>	<u>29.35</u>
24	<u>support</u>	<u>7</u>	<u>10.41</u>	<u>14.56</u>	<u>18.88</u>	<u>23.32</u>	<u>27.85</u>	<u>28.40</u>	<u>28.88</u>

25 SECTION 6. Section 156.401, Family Code, is amended by
26 adding Subsection (c-1) to read as follows:

27 (c-1) Incarceration of a child support obligor in a local,

1 state, or federal jail or prison for a period exceeding 180 days is
2 a material and substantial change of circumstances for the purposes
3 of this section.

4 SECTION 7. Section 157.005(b), Family Code, is amended to
5 read as follows:

6 (b) The court retains jurisdiction to confirm the total
7 amount of child support, medical support, and dental support
8 arrearages and render [~~a~~] cumulative money judgments [~~judgment~~] for
9 past-due child support, medical support, and dental support, as
10 provided by Section 157.263, if a motion for enforcement requesting
11 a [~~cumulative~~] money judgment is filed not later than the 10th
12 anniversary after the date:

- 13 (1) the child becomes an adult; or
14 (2) on which the child support obligation terminates
15 under the child support order or by operation of law.

16 SECTION 8. Section 157.263, Family Code, is amended by
17 amending Subsections (a), (b), and (b-1) and adding Subsections
18 (b-2) and (b-3) to read as follows:

19 (a) If a motion for enforcement of child support requests a
20 money judgment for arrearages, the court shall confirm the amount
21 of arrearages and render [~~one~~] cumulative money judgments as
22 follows:

23 (1) a cumulative money judgment for the amount of
24 child support owed under Subsection (b);

25 (2) a cumulative money judgment for the amount of
26 medical support owed under Subsection (b-1); and

27 (3) a cumulative money judgment for the amount of

1 dental support owed under Subsection (b-2) [~~judgment~~].

2 (b) A cumulative money judgment for the amount of child
3 support owed includes:

4 (1) unpaid child support not previously confirmed;

5 (2) the balance owed on previously confirmed child
6 support arrearages or lump sum or retroactive child support
7 judgments;

8 (3) interest on the child support arrearages; and

9 (4) a statement that it is a cumulative judgment for
10 the amount of child support owed.

11 (b-1) A cumulative money judgment for the amount of medical
12 support owed includes:

13 (1) unpaid medical support not previously confirmed;

14 (2) the balance owed on previously confirmed medical
15 support arrearages or lump sum or retroactive medical support
16 judgments;

17 (3) interest on the medical support arrearages; and

18 (4) a statement that it is a cumulative judgment for
19 the amount of medical support owed.

20 (b-2) A cumulative money judgment for the amount of dental
21 support owed includes:

22 (1) unpaid dental support not previously confirmed;

23 (2) the balance owed on previously confirmed dental
24 support arrearages or lump sum or retroactive dental support
25 judgments;

26 (3) interest on the dental support arrearages; and

27 (4) a statement that it is a cumulative judgment for

1 the amount of dental support owed.

2 **(b-3)** In rendering a money judgment under this section, the
3 court may not reduce or modify the amount of child support, medical
4 support, or dental support arrearages but, in confirming the amount
5 of arrearages, may allow a counterclaim or offset as provided by
6 this title.

7 SECTION 9. Section 159.605(b), Family Code, is amended to
8 read as follows:

9 (b) A notice must inform the nonregistering party:

10 (1) that a registered order is enforceable as of the
11 date of registration in the same manner as an order issued by a
12 tribunal of this state;

13 (2) that a hearing to contest the validity or
14 enforcement of the registered order must be requested within 30
15 [~~20~~] days after notice unless the registered order is under Section
16 159.707;

17 (3) that failure to contest the validity or
18 enforcement of the registered order in a timely manner will result
19 in confirmation of the order and enforcement of the order and the
20 alleged arrearages; and

21 (4) of the amount of any alleged arrearages.

22 SECTION 10. Section 234.007(a), Family Code, is amended to
23 read as follows:

24 (a) A court that orders a party to pay [~~income to be withheld~~
25 ~~for~~] child support under a temporary or final order shall order that
26 all [~~income ordered withheld for~~] child support payments [~~shall~~] be
27 paid through [~~to~~] the state disbursement unit, including any child

1 support that the court orders an employer to withhold from the
2 income of the obligor.

3 SECTION 11. Section 240.009, Property Code, is amended by
4 adding Subsection (e) to read as follows:

5 (e) A disclaimer of an interest in property made by an
6 individual must contain a sworn statement regarding whether the
7 disclaimant is a child support obligor whose disclaimer is barred
8 under Section 240.151(g).

9 SECTION 12. Section 102.0091(b), Family Code, is repealed.

10 SECTION 13. The enactment of this Act does not constitute a
11 material and substantial change of circumstances sufficient to
12 warrant modification of a court order or portion of a decree that
13 provides for the support of a child rendered before the effective
14 date of this Act.

15 SECTION 14. (a) Section 8.062, Family Code, as added by this
16 Act, applies only to a maintenance order rendered on or after the
17 effective date of this Act. A maintenance order rendered before the
18 effective date of this Act is governed by the law in effect on the
19 date the order was rendered, and the former law is continued in
20 effect for that purpose.

21 (b) Notwithstanding Subsection (a) of this section, an
22 obligor subject to a maintenance order rendered before the
23 effective date of this Act may choose to remit maintenance payments
24 to the state disbursement unit as provided by Chapter 234, Family
25 Code, and the state disbursement unit shall accept those payments.

26 SECTION 15. Section 154.0655, Family Code, as added by this
27 Act, and Section 154.066, Family Code, as amended by this Act, apply

1 only to a proceeding to establish or modify a child support
2 obligation that is pending in a trial court on or filed on or after
3 the effective date of this Act.

4 SECTION 16. The changes in law made by this Act to Sections
5 154.125 and 154.129, Family Code, apply to a suit affecting the
6 parent-child relationship that is filed on or after the effective
7 date of this Act. A suit filed before the effective date of this Act
8 is governed by the law in effect on the date that the suit is filed,
9 and the former law is continued in effect for that purpose.

10 SECTION 17. Section 156.401, Family Code, as amended by
11 this Act, applies only to a suit for modification of a child support
12 order that is filed on or after the effective date of this Act. A
13 suit for modification that is filed before the effective date of
14 this Act is governed by the law in effect on the date the suit was
15 filed, and the former law is continued in effect for that purpose.

16 SECTION 18. Section 157.263, Family Code, as amended by
17 this Act, applies only to a cumulative money judgment rendered on or
18 after the effective date of this Act. A judgment rendered before the
19 effective date of this Act is governed by the law in effect at the
20 time the judgment was rendered, and the former law is continued in
21 effect for that purpose.

22 SECTION 19. Section 159.605, Family Code, as amended by
23 this Act, applies only to a support order or income-withholding
24 order issued by a court of another state that is registered in this
25 state on or after the effective date of this Act. A support order or
26 income-withholding order that is registered in this state before
27 the effective date of this Act is governed by the law in effect on

1 the date the order was registered, and the former law is continued
2 in effect for that purpose.

3 SECTION 20. Section 240.009, Property Code, as amended by
4 this Act, applies only to a disclaimer made on or after the
5 effective date of this Act. A disclaimer made before the effective
6 date of this Act is governed by the law in effect at the time the
7 disclaimer was made, and the former law is continued in effect for
8 that purpose.

9 SECTION 21. This Act takes effect September 1, 2021.