

By: West

S.B. No. 285

A BILL TO BE ENTITLED

AN ACT

relating to the administration of and certain procedures under the Title IV-D program for child support enforcement.

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

SECTION 1. Section 105.008, Family Code, is amended to read as follows:

Sec. 105.008. RECORD OF SUPPORT ORDER FOR STATE CASE REGISTRY. (a) The clerk of the court shall provide the state case registry with a record of a court order for child support, medical support, and dental support. The record of a support ~~an~~ order shall include information provided by the parties on a form developed by the Title IV-D agency. The form shall be completed by the petitioner and submitted to the clerk at the time the order is filed for record.

(b) The form described by Subsection (a) may include an option for a party to apply for child support services provided by the Title IV-D agency. If a party applies for child support services, the party or the party's authorized representative must sign the form.

(c) To the extent federal funds are available, the Title IV-D agency shall reimburse the clerk of the court for the costs incurred in providing the record of support order required under this section.

SECTION 2. Section 111.001(b), Family Code, is amended to

1 read as follows:

2 (b) At least once every four years, the Title IV-D agency
3 shall review the child support guidelines under Chapter 154 as
4 required by 42 U.S.C. Section 667(a) and 45 C.F.R. Section 302.56
5 and report the results of the review and any recommendations for any
6 changes to the guidelines and their manner of application to the
7 standing committees of each house of the legislature having
8 jurisdiction over family law issues.

9 SECTION 3. Sections 231.0011(c) and (d), Family Code, are
10 amended to read as follows:

11 (c) The Title IV-D agency may contract with any county
12 meeting technical system requirements necessary to comply with
13 federal law for provision of Title IV-D services in that county.
14 The clerk of the court of a county participating in the unified
15 enforcement system shall use a record of support order form
16 described by Section 105.008(b) that includes an option for the
17 obligee or obligor to apply for child support services provided by
18 the Title IV-D agency. [All new cases in which support orders are
19 entered in such county after the effective date of a monitoring
20 contract shall be Title IV-D cases. Any other case in the county,
21 subject to federal requirements and the agreement of the county and
22 the Title IV-D agency, may be included as a Title IV-D case. Any
23 obligee under a support order may refuse Title IV-D enforcement
24 services unless required to accept such services pursuant to other
25 law.]

26 (d) Counties participating in the unified enforcement
27 system shall monitor all assigned Title IV-D child support

1 ~~[registry]~~ cases and on delinquency may, subject to the approval of
2 the Title IV-D agency, provide enforcement services through:

- 3 (1) direct provision of services by county personnel;
- 4 (2) subcontracting all or portions of the services to
5 private entities or attorneys; or
- 6 (3) such other methods as may be approved by the Title
7 IV-D agency.

8 SECTION 4. Section 231.104, Family Code, is amended by
9 adding Subsection (c) to read as follows:

10 (c) Filing a notice of assignment of support rights, a
11 notice of change of payee under Section 231.105, or a pleading by
12 the Title IV-D agency in a suit under this title is evidence of the
13 assignment of support rights to the Title IV-D agency in that cause
14 and is admissible as evidence of the truth of the assignment of
15 support rights and does not require further authentication or
16 verification.

17 SECTION 5. Section 233.018, Family Code, is amended by
18 adding Subsections (c), (d), and (e) to read as follows:

19 (c) A party may sign a waiver under this section using a
20 digitized signature.

21 (d) A waiver under this section must be:

- 22 (1) sworn before a notary public; or
- 23 (2) executed using an unsworn declaration under
24 Section 132.001, Civil Practice and Remedies Code.

25 (e) Notwithstanding Subsection (a)(2), the mailing address
26 of a party shall be omitted if:

- 27 (1) the court has previously made a finding and

1 ordered nondisclosure under Section 105.006(c) relating to the
2 parties and the order has not been superseded; or

3 (2) the child support review order contains an agreed
4 finding and order under Section 105.006(c).

5 SECTION 6. Section 233.021(c), Family Code, is amended to
6 read as follows:

7 (c) The clerk shall deliver by personal service or, if
8 court-ordered, a method of substituted service, a copy of the
9 petition for confirmation of a nonagreed review order and a copy of
10 the order, to each party entitled to service who has not waived
11 service.

12 SECTION 7. Section 233.024(a), Family Code, is amended to
13 read as follows:

14 (a) On the filing of an agreed child support review order
15 signed by all parties, together with waiver of service, the court
16 shall sign the order not later than the seventh [~~third~~] day after
17 the filing of the order. On expiration of the seventh [~~third~~] day
18 after the filing of the order, the order is considered confirmed by
19 the court by operation of law, regardless of whether the court has
20 signed the order. The court may sign the order before filing the
21 order, but the signed order shall immediately be filed.

22 SECTION 8. The changes in law made by this Act to Sections
23 105.008 and 231.0011, Family Code, apply to a suit affecting the
24 parent-child relationship pending in a trial court on or filed on or
25 after the effective date of this Act.

26 SECTION 9. The change in law made by this Act to Section
27 233.021(c), Family Code, applies only to a petition for

1 confirmation of a nonagreed order filed on or after the effective
2 date of this Act. A petition filed before the effective date of
3 this Act is governed by the law in effect on the date the petition
4 was filed, and the former law is continued in effect for that
5 purpose.

6 SECTION 10. The change in law made by this Act to Section
7 [233.024\(a\)](#), Family Code, applies only to an agreed child support
8 review order filed on or after the effective date of this Act. An
9 order filed before the effective date of this Act is governed by the
10 law in effect on the date the order was filed, and the former law is
11 continued in effect for that purpose.

12 SECTION 11. This Act takes effect September 1, 2021.