

## **BILL ANALYSIS**

C.S.H.B. 234  
By: Goodman  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current Family Code provisions allow child support to continue past the 18th birthday of a child if the child is fully enrolled in an accredited secondary school in a program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit pursuant to §130.008, Education Code. Case law leaves it unclear what is meant under the current statute to be “fully enrolled” and whether the student actually needs to be attending if enrolled.

C.S.H.B. 234 clarifies enrolled, includes the attendance requirement, and allows the court to terminate child support if a child over 18 years of age fails to comply with enrollment or the minimum attendance requirements in the Education Code.

### **RULEMAKING AUTHORITY**

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

Section 1. Amends Family Code Section 154.002(a) to authorize child support for a child past the 18th birthday if the child is enrolled, as required under Chapter 25, Education Code, in an accredited secondary school in a program leading toward a high school diploma, in courses for joint high school and junior college credit under Section 130.008, Education Code, or is enrolled on a full-time basis in a private accredited secondary school in a program leading toward a high school diploma. Furthermore, the child must be in compliance with the minimum attendance requirements of Subchapter C, Chapter 25, Education Code or in compliance with the minimum attendance requirements imposed by the private accredited secondary school.

Section 2. Amends Family Code Section 154.006(a) to provide that a finding by a court, that a child 18 years of age or older has failed to comply with the enrollment or attendance requirements, terminates the child support order unless otherwise agreed in writing or expressly provided for in the order.

Section 3. This Act takes effect on September 1, 2003. The change in law by this Act applies only to a court order or portion of a decree that provides for the support of a child rendered or modified on or after the effective date of this Act. An order or decree rendered or modified before the effective date of this Act is governed by the law in effect on the date the order or decree was rendered or modified, and the former law is continued in effect for that purpose.

### **EFFECTIVE DATE**

September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B 234 modifies the original H.B. 234 by authorizing child support for a child past the 18th birthday if the child is enrolled on a full-time basis in a private accredited secondary school in a program leading

toward a high school diploma, provided the child is in compliance with the minimum attendance requirements imposed by the private accredited secondary school.