

BILL ANALYSIS

C.S.H.B. 344

By: Dutton

Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, child support may be modified if circumstances of the child or a person affected by the order have materially and substantially changed. Presumably, the release of a child support obligor from incarceration is a material and substantial change in circumstances, but only if the obligor's child support obligation was abated, reduced, or suspended during the period of the obligor's incarceration. The problem occurs when persons are released and faced with huge child support arrearages. As a consequence, much of this debt is never paid and many persons are discouraged from trying.

C.S.H.B.344 would provide for modification of child support payments during the period of incarceration, after an obligor has been confined for more than 90 consecutive days. This modification would encourage child support payments and prevent the build-up of uncollectible arrearages.

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 Section 156.401, Family Code by adding Subsection (e) which provides for the rendering of a judgement or order for the confinement of an obligor in a local, state, or federal jail or prison for the period of at least 90 consecutive days is a material and substantial change in circumstances for purposes of Subsection (a)(1). On the obligor's request, the court shall order that the obligor's child support obligations be suspended during the obligor's period of confinement unless the court finds that the obligor has resources, other than resources attributable to earnings for personal services, available to pay those obligations.

SECTION 2. Prospective provisions.

SECTION 3. This Act takes effect September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.344 modifies the original H.B.344 by adding language to Section 156.401, Family Code that provides that on the obligor's request, the court shall order that the obligor's child support obligations be suspended during the obligor's period of confinement unless the court finds that the obligor has resources, other than resources attributable to earnings for personal services, available to pay those obligations. C.S.H.B.344 deletes SECTION 2, Section 156.411, SECTION 3, 4, 5, 6 and 7. Lastly, C.S.H.B.344 provides for a new effective date of September 1, 2003.

