

## **BILL ANALYSIS**

C.S.H.B. 674

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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Through the Family Support Act of 1998, non-custodial parents who experience a reduction in income are able to request a decrease in their child support by getting downward modifications, however, only a few state agencies work to implement this policy since they are federally reimbursed for every child-support dollar they collect. Civilians called up for active military duty must often leave the private sector to fulfill their military obligations, which usually entails a pay cut.

Establishing a withholding order commensurate with their level of pay, so as not to bring on added hardship due to their deployment, will ensure compliance with a child support. In the least, Texas and our nation owe reservists or those who are part of the military, an automatic adjustment in child support when warranted for the time they are called up for active duty.

C.S.H.B.674 would implement a provision for obtaining a modification in child support, when military personnel are called up for active duty.

### **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 Subchapter E, Chapter 156 of the Family Code by adding Section 156.410, which establishes (a) for the purposes of Section 156.401(a)(1), the fact that an obligor has been called into active military service in any branch of the United States armed forces is a material and substantial change in circumstances if that active military service is for at least 30 consecutive days; and results in a decrease in the obligor's net resources during the period of service. (b) Establishes the method by which an obligor must request a modification of a child support order for purposes of Sect. 156.401(a)(1).

**SECTION 2.** Prospective provisions clause.

**SECTION 3.** This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

### **EFFECTIVE DATE**

September 1, 2003.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B.674 modifies the original H.B.674 by adding Section 156.410(c) to provide that the custodial parent or guardian who is the recipient of child support payments may file a motion in the court where the order was last modified upon return of the obligor from active military service if they wish to have the support payments reflect an upward adjustment in the obligor's pay after they have secured a job in the private or public sector.