

## **BILL ANALYSIS**

H.B. 889  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Prior to the re-codification of the Family Code, agreements in suits affecting the parent-child relationship were all addressed under one code section. When the non-substantive re-codification of the Family Code took place, the provisions regarding agreements were divided into two categories; agreements involving conservatorship, and agreements involving child support. The 74th Legislature amended the Family Code to prohibit the enforcement of agreements in suits affecting the parent-child relationship as a contract; however, in the non-substantive re-codification of the Family Code, the provision prohibiting such agreements as a contract was only carried forward to the code section on conservatorship and not the code section on child support.

House Bill 889 amends the Family Code to conform the code section on child support agreements to the pre-codification provisions and prohibit the enforcement of such agreements as a contract.

### **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. Section 154.124(c), Family Code, is amended to provide that the terms of an agreement pertaining to child support are not enforceable as a contract.

Section 2. This Act takes effect September 1, 2003, and applies only to an agreement concerning child support entered into on or after this date. An agreement concerning child support entered into before the effective date of this Act is governed by the law applicable to the agreement before that date, and the former law is continued in effect for that purpose.

### **EFFECTIVE DATE**

September 1, 2003.