

## **BILL ANALYSIS**

H.B. 2137  
By: Thompson  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Domestic Relations Offices (“DROs”) are local entities established by county commissioner courts to assist parents and children involved in family litigation. Texas Family Code, Section 203.005 lists the powers and duties of a domestic relations office. As local government entities, DROs have an established track record of providing a variety of family services to their constituents. These services include: child support registries; legal representation to establish and enforce child support and visitation; family mediation; parenting conferences; substance abuse assessment; parenting classes; court-ordered social studies; visitation exchange and supervision; guardians ad litem; friend of the court; and community supervision.

As one of the services, custodial parents rely on DROs to enforce their orders for child support and visitation. DROs have access to all child support enforcement tools available in Chapters 157 and 158, of the Family Code, with the exception of the administrative writs of withholding. DROs pursue child support enforcement through correspondence, telephone contact, negotiations, and repayment schedules. When these non-judicial efforts are unsuccessful, the DRO must resort to time consuming and expensive litigation.

Income withholding has become the primary tool for collecting child support and is currently mandated in all cases. The ability to issue an administrative writ of withholding directly to an employer will significantly increase child support collections and expedite income withholding for DRO cases. Issuance of an administrative writ may be contested on the same grounds as a writ issued by a court clerk. Currently, the IV-D agency is the only governmental entity with authority to issue administrative writs of withholding. Use of this enforcement tool should be extended to DROs.

House Bill 2137 would extend the issuance of an administrative writ of withholding to DROs to ensure that more children receive the financial support to which they are entitled.

### **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 heading to Subchapter F, Chapter 158, Family Code to eliminate the words “IN TITLE IV-D CASES.”
- SECTION 2.** Amends the heading to Section 158.501, Family Code, to eliminate the words “BY TITLE IV-D AGENCY.”
- SECTION 3.** Amends Section 158.501, Family Code to allow a domestic relations office to issue administrative writs of withholding in a proceeding in which the office is providing child support enforcement services. The writ must be in the form prescribed by the Title IV-D agency under Section 158.504.

**SECTION 4.** Amends Section 203.004 (a), Family Code to add subsection 203.004 (a)(12) to authorize a domestic relations office to issue an administrative writ of withholding under Subchapter F, Chapter 158.

**SECTION 5.** This Act takes effect September 1, 2003.

**EFFECTIVE DATE**

September 1, 2003