

BILL ANALYSIS

C.S.H.B. 2856

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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently a Domestic Relations Office (“DRO”) is authorized to “assess and collect a monthly service fee not to exceed \$3 to be paid annually in advance by a managing conservator and possessory conservator for whom the domestic relations office provides services.” With this fee, the DRO keeps a record of all Suits Affecting the Parent Child Relationship (“SAPCR”) including but not limited to: child support obligations, visitation orders, appointment of a guardian ad litem, protective order information, data on parents and children, copies of pay records, mediation records, start and end date of the order, wage withholding/employer information and location information needed for enforcement of orders.

This fee is particularly difficult to collect because the DRO has no collection power other than distribution of billing. In order to better implement and collect these service fees, it is necessary to add language that clarifies the meaning of the word “services” to include a specific reference to child support and the impact it brings to collection efforts. Courts have great powers in enforcing child support orders through the use of contempt powers, garnishment of wages, judgments, license suspension, and even criminal non-support indictments through the District Attorney. Although not all of these methods of collection are needed in pursuing fees, the mere fact that child support carries remedies not afforded to other debts is powerful.

The purpose of C.S.H.B.2856, is to provide judges with all of the tools necessary for the collection of the DRO service fees that child support currently enjoys.

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 203.005(a)(5) and adds Section 203.005(e) to authorize a county, through the Domestic Relations Office, to assess and collect a monthly service fee for child support services. This monthly service fee for providing child support services is part of the child support obligation and may be enforced by any method available for enforcement of child support, including contempt.

SECTION 2. This Act takes effect September 1, 2003

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.2856 modifies the original H.B.2856 by removing the language which reads “including non Title-IV D child support services provided under a formal agreement between a domestic relations office and the Title-IV D agency;” and substitutes “child support services” so as not to jeopardize federal funding for the Attorney General’s Child Support Division.