

By: Madden

H.B. No. 674

A BILL TO BE ENTITLED

AN ACT

relating to the modification of certain child support orders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 156, Family Code, is amended by adding Section 156.410 to read as follows:

Sec. 156.410. CHANGE IN CIRCUMSTANCES RESULTING FROM MILITARY SERVICE. (a) For 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:

(1) is for at least 30 consecutive days; and

(2) results in a decrease in the obligor's net resources during the period of service.

(b) A motion for modification under Subsection (a) must be accompanied by the affidavit of the obligor's commanding officer that states:

(1) the date on which the obligor's active military service begins and the date on which that service is expected to end; and

(2) the obligor's anticipated monthly gross income from active military service.

(c) Return of the obligor from the active military service described by Subsection (a) is a material and substantial change in

1 circumstances for purposes of Section 156.401(a)(1) for which an
2 obligee may file a motion for modification of a child support order
3 if the court previously modified the order on the grounds described
4 by Subsection (a).

5 SECTION 2. The change in law made by Section 156.410, Family
6 Code, as added by this Act, applies to a suit for modification of a
7 child support order that is filed on or after the effective date of
8 this Act. A suit for modification that is filed before the
9 effective date of this Act is governed by the law in effect on the
10 date the suit was filed, and the former law is continued in effect
11 for that purpose.

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