

1-1 By: Madden (Senate Sponsor - Lucio) H.B. No. 674
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 22, 2003, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the modification of certain child support orders.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter E, Chapter 156, Family Code, is
1-11 amended by adding Section 156.410 to read as follows:

1-12 Sec. 156.410. CHANGE IN CIRCUMSTANCES RESULTING FROM
1-13 MILITARY SERVICE. (a) For purposes of Section 156.401(a)(1), the
1-14 fact that an obligor has been called into active military service in
1-15 any branch of the United States armed forces is a material and
1-16 substantial change in circumstances if that active military
1-17 service:

1-18 (1) is for at least 30 consecutive days; and

1-19 (2) results in a decrease in the obligor's net
1-20 resources during the period of service.

1-21 (b) A motion for modification under Subsection (a) must be
1-22 accompanied by the affidavit of the obligor's commanding officer
1-23 that states:

1-24 (1) the date on which the obligor's active military
1-25 service begins and the date on which that service is expected to
1-26 end; and

1-27 (2) the obligor's anticipated monthly gross income
1-28 from active military service.

1-29 (c) Return of the obligor from the active military service
1-30 described by Subsection (a) is a material and substantial change in
1-31 circumstances for purposes of Section 156.401(a)(1) for which an
1-32 obligee may file a motion for modification of a child support order
1-33 if the court previously modified the order on the grounds described
1-34 by Subsection (a).

1-35 SECTION 2. The change in law made by Section 156.410, Family
1-36 Code, as added by this Act, applies to a suit for modification of a
1-37 child support order that is filed on or after the effective date of
1-38 this Act. A suit for modification that is filed before the
1-39 effective date of this Act is governed by the law in effect on the
1-40 date the suit was filed, and the former law is continued in effect
1-41 for that purpose.

1-42 SECTION 3. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2003.

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