

By: Goodman

H.B. No. 61

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the property interests of spouses in connection with
3 certain community property and to suits affecting the parent-child
4 relationship, including proceedings for the establishment,
5 modification, and enforcement of child support; providing a civil
6 penalty.

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

8 SECTION 1. Sections 3.007(a) and (b), Family Code, as
9 enacted by H.B. 410, Acts of the 79th Legislature, Regular Session,
10 2005, effective September 1, 2005, are amended to read as follows:

11 (a) The community property interest [~~A spouse who is a~~
12 ~~participant~~] in a defined benefit retirement plan is an amount
13 equal to the product of the amount a participant [~~has a separate~~
14 ~~property interest in the monthly accrued benefit the~~] spouse would
15 have the [~~had a~~] right to receive on normal retirement age, as
16 defined by the plan, if the participant spouse had terminated
17 employment on the date of dissolution of the marriage, multiplied
18 by a percentage determined by dividing the number of months of
19 participation in the plan during the marriage by the number of
20 months of participation in the plan as of the date of dissolution of
21 the marriage. The resulting amount shall be determined as of the
22 time of dissolution [~~as~~] of the [~~date of~~] marriage[~~7~~] regardless of
23 whether the participant spouse's right to the benefit is [~~had~~
24 vested and without regard to the percentage of vesting, if any. The

1 community property interest includes post-dissolution plan
2 adjustments and cost-of-living adjustments in a proportion equal to
3 the amount of the community property interest in relation to the
4 amount of the total benefit.

5 (b) The separate [community] property interest in a defined
6 benefit plan is the portion of the benefit that is not community
7 property under Subsection (a) [shall be determined as if the spouse
8 began to participate in the plan on the date of marriage and ended
9 that participation on the date of dissolution or termination of the
10 marriage, regardless of whether the benefit had vested].

11 SECTION 2. Chapter 101, Family Code, is amended by adding
12 Section 101.0255 to read as follows:

13 Sec. 101.0255. RECORD. "Record" means information that
14 is:

15 (1) inscribed on a tangible medium or stored in an
16 electronic or other medium; and

17 (2) retrievable in a perceivable form.

18 SECTION 3. Section 102.009(d), Family Code, is amended to
19 read as follows:

20 (d) If the petition requests the establishment,
21 termination, modification, or enforcement of a support right
22 assigned to the Title IV-D agency under Chapter 231 or the
23 rescission of a voluntary acknowledgment of paternity under Chapter
24 160, notice shall be given to the Title IV-D agency in a manner
25 provided by Rule 21a, Texas Rules of Civil Procedure.

26 SECTION 4. Section 151.001(b), Family Code, is amended to
27 read as follows:

1 (b) The duty of a parent to support his or her child exists
2 while the child is an unemancipated minor and continues as long as
3 the child is fully enrolled in a [~~an accredited~~] secondary school
4 and complies with attendance requirements described by Section
5 154.002(a)(2) [~~in a program leading toward a high school diploma~~
6 ~~until the end of the school year in which the child graduates]~~.

7 SECTION 5. Section 153.0071, Family Code, is amended by
8 adding Subsections (c-1), (g), and (h) and amending Subsections (d)
9 and (e) to read as follows:

10 (c-1) The parties may agree to conduct one or more informal
11 settlement conferences and may agree that the settlement
12 conferences may be conducted with or without the presence of the
13 parties' attorneys, if any.

14 (d) A written [~~mediated~~] settlement agreement reached at
15 mediation or at an informal settlement conference is binding on the
16 parties if the agreement:

17 (1) provides, in a prominently displayed statement
18 that is in boldfaced type or capital letters or underlined, that the
19 agreement is not subject to revocation;

20 (2) is signed by each party to the agreement; and

21 (3) is signed by the party's attorney, if any, who is
22 present at the time the agreement is signed.

23 (e) If a written [~~mediated~~] settlement agreement meets the
24 requirements of Subsection (d), a party is entitled to judgment on
25 the [~~mediated~~] settlement agreement notwithstanding Rule 11, Texas
26 Rules of Civil Procedure, or another rule of law.

27 (g) If the court finds that the terms of the written

1 settlement agreement reached at a conference conducted under
2 Subsection (c-1) are in the best interests of the child, those terms
3 are binding on the court. If the court approves the agreement, the
4 court may set forth the agreement in full or incorporate the
5 agreement by reference in the final order.

6 (h) If the court finds that the terms of the written
7 settlement agreement reached at a conference conducted under
8 Subsection (c-1) are not in the best interests of the child, the
9 court may request the spouses to submit a revised agreement or may
10 set the case for a hearing.

11 SECTION 6. Section 155.301(c), Family Code, is amended to
12 read as follows:

13 (c) Except as otherwise provided by this subsection, if [~~if~~]
14 a transfer of continuing, exclusive jurisdiction is sought under
15 this section, the procedures for determining and effecting a
16 transfer of proceedings provided by this chapter apply. If the
17 parties submit to the court an agreed order for transfer, the court
18 shall sign the order without the need for other pleadings.

19 SECTION 7. Section 156.401(b), Family Code, is amended to
20 read as follows:

21 (b) A support order may be modified with regard to the
22 amount of support ordered only as to obligations accruing after the
23 earlier of:

24 (1) the date of service of citation; or

25 (2) an appearance in the suit to modify.

26 SECTION 8. Section 156.409, Family Code, as amended by H.B.
27 2231, Acts of the 79th Legislature, Regular Session, 2005, is

1 amended by amending Subsection (a) and adding Subsection (a-1) to
2 read as follows:

3 (a) The [~~If the sole managing conservator of a child or the~~
4 ~~joint managing conservator who has the exclusive right to determine~~
5 ~~the primary residence of the child has voluntarily relinquished the~~
6 ~~primary care and possession of the child to another person for at~~
7 ~~least six months, the~~] court shall, on the motion of a party or the
8 other person having physical possession of the child, modify an
9 order providing for the support of a [~~the~~] child to provide that the
10 [~~other~~] person having physical possession of the child, including a
11 conservator or governmental entity, shall have the right to receive
12 and give receipt for payments of support for the child and to hold
13 or disburse money for the benefit of the child if the sole managing
14 conservator of the child or the joint managing conservator who has
15 the exclusive right to determine the primary residence of the child
16 has:

17 (1) voluntarily relinquished the primary care and
18 possession of the child to another person for at least six months;

19 (2) been incarcerated or sentenced to be incarcerated
20 for at least 30 days; or

21 (3) relinquished the primary care and possession of
22 the child under Chapter 262.

23 (a-1) If the court modifies a support order under this
24 section, the court shall order the obligor to pay the person or
25 entity having physical possession of the child any unpaid child
26 support that is not subject to offset or reimbursement under
27 Section 157.008 and that accrues after the date the sole or joint

1 managing conservator:

2 (1) relinquishes possession and control of the child,
3 whether voluntarily or under Chapter 262; or

4 (2) is incarcerated.

5 SECTION 9. Section 157.005(a), Family Code, is amended to
6 read as follows:

7 (a) The court retains jurisdiction to render a contempt
8 order for failure to comply with the child support order if the
9 motion for enforcement is filed not later than the second
10 anniversary of [~~sixth month after~~] the date:

11 (1) the child becomes an adult; or

12 (2) on which the child support obligation terminates
13 under the order or by operation of law.

14 SECTION 10. Section 157.065(a), Family Code, is amended to
15 read as follows:

16 (a) If a party has been ordered under Chapter 105 to provide
17 the court and the state case registry with the party's current
18 mailing address, notice of a hearing on a motion for enforcement may
19 be served by mailing a copy of the notice to the respondent,
20 together with a copy of the motion, by first class mail to the last
21 mailing address of the respondent on file with the court and the
22 registry.

23 SECTION 11. Sections 157.105(a) and (c), Family Code, are
24 amended to read as follows:

25 (a) If the respondent is taken into custody and not released
26 on bond, the respondent shall be brought before the court that
27 issued the capias on or before the third [~~first~~] working day after

1 the arrest. The court shall determine whether the respondent's
2 appearance in court at a designated time and place can be assured by
3 a method other than by posting the bond or security previously
4 established.

5 (c) If the court is not satisfied that the respondent's
6 appearance in court can be assured and the respondent remains in
7 custody, a hearing on the alleged contempt shall be held as soon as
8 practicable, but not later than the seventh [~~fifth~~] day after the
9 date that the respondent was taken into custody, unless the
10 respondent and the respondent's attorney waive the accelerated
11 hearing.

12 SECTION 12. Section 157.211, Family Code, is amended to
13 read as follows:

14 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the
15 court places the respondent on community supervision [~~and suspends~~
16 ~~commitment~~], the terms and conditions of community supervision may
17 include the requirement that the respondent:

18 (1) report to the community supervision officer as
19 directed;

20 (2) permit the community supervision officer to visit
21 the respondent at the respondent's home or elsewhere;

22 (3) obtain counseling on financial planning, budget
23 management, conflict resolution, parenting skills, alcohol or drug
24 abuse, or other matters causing the respondent to fail to obey the
25 order;

26 (4) pay required child support and any child support
27 arrearages;

1 (5) pay court costs and attorney's fees ordered by the
2 court;

3 (6) seek employment assistance services offered by the
4 Texas Workforce Commission under Section 302.0035, Labor Code, if
5 appropriate; ~~and~~

6 (7) participate in mediation or other services to
7 alleviate conditions that prevent the respondent from obeying the
8 court's order; and

9 (8) submit to a period of confinement in a county jail
10 beginning at any time during the community supervision period,
11 except that the aggregate of all periods of confinement during the
12 community supervision period may not exceed 180 days.

13 SECTION 13. Section 157.212, Family Code, is amended to
14 read as follows:

15 Sec. 157.212. TERM OF COMMUNITY SUPERVISION. The initial
16 period of community supervision ~~[period]~~ may not exceed 10 years.
17 The court may continue the community supervision until the earlier
18 of:

19 (1) the expiration of an additional two-year period
20 beyond the 10 years; or

21 (2) the date on which all child support, including
22 arrearages and interest, has been paid.

23 SECTION 14. Sections 157.216(a) and (b), Family Code, are
24 amended to read as follows:

25 (a) The court shall hold a hearing without a jury not later
26 than ~~[on or before]~~ the third ~~[first]~~ working day after the date the
27 respondent is arrested under Section 157.215. If the court is

1 unavailable for a hearing on that date, the hearing shall be held
2 not later than the third [~~first~~] working day after the date the
3 court becomes available.

4 (b) The hearing under this section may not be held later
5 than the seventh [~~third~~] working day after the date the respondent
6 is arrested.

7 SECTION 15. Section 157.263(c), Family Code, is amended to
8 read as follows:

9 (c) If the amount of arrearages confirmed by the court
10 reflects a credit to the obligor for support arrearages collected
11 from a federal tax refund under 42 U.S.C. Section 664, [~~as amended,~~]
12 and, subsequently, the amount of that credit is reduced because the
13 refund was adjusted because of an injured spouse claim by a jointly
14 filing spouse, the tax return was amended, or the return was audited
15 by the Internal Revenue Service, or for another reason permitted by
16 law [~~based on a joint return under which another person was entitled~~
17 ~~to a share of the refund under 42 U.S.C. Section 664, as amended],
18 the court shall render a new cumulative judgment to include as
19 arrearages an amount equal to the amount by which the credit was
20 reduced.~~

21 SECTION 16. Section 157.264(b), Family Code, is amended to
22 read as follows:

23 (b) The court shall [~~may~~] render an order requiring[+]

24 [~~(1) that income be withheld from the disposable~~
25 ~~earnings of the obligor in an amount sufficient to discharge the~~
26 ~~judgment in not more than two years, or~~

27 [~~(2) if the obligor is not subject to income~~

1 ~~withholding,~~] that the obligor make periodic payments on the
2 judgment, including by income withholding under Chapter 158 if the
3 obligor is subject to income withholding [~~to the obligee in an~~
4 ~~amount sufficient to discharge the judgment within a reasonable~~
5 ~~time~~].

6 SECTION 17. Section 157.269, Family Code, is amended to
7 read as follows:

8 Sec. 157.269. RETENTION OF JURISDICTION. A court that
9 renders an order providing for the payment of child support
10 [~~arrearages~~] retains continuing jurisdiction to enforce the order,
11 including by adjusting the amount of the periodic payments to be
12 made by the obligor or the amount to be withheld from the obligor's
13 disposable earnings, until all current support and medical support
14 and child support arrearages, including interest and any applicable
15 fees and costs, have been paid.

16 SECTION 18. Sections 157.313(a), (c), and (e), Family Code,
17 are amended to read as follows:

18 (a) Except as provided by Subsection (e), a child support
19 lien notice must contain:

20 (1) the name and address of the person to whom the
21 notice is being sent;

22 (2) the style, docket or cause number, and identity of
23 the tribunal of this or another state having continuing
24 jurisdiction of the child support action and, if the case is a Title
25 IV-D case, the case number;

26 (3) the full name, address, and, if known, the birth
27 date, driver's license number, social security number, and any

1 aliases of the obligor;

2 (4) the full name and, if known, social security
3 number of the obligee;

4 (5) the amount of the current or prospective child
5 support obligation, the frequency with which current or prospective
6 child support is ordered to be paid, and the amount of child support
7 arrearages owed by the obligor and the date of the signing of the
8 court order, administrative order, or writ that determined the
9 arrearages or the date and manner in which the arrearages were
10 determined;

11 (6) the rate of interest specified in the court order,
12 administrative order, or writ or, in the absence of a specified
13 interest rate, the rate provided for by law;

14 (7) the name and address of the person or agency
15 asserting the lien;

16 (8) the motor vehicle identification number as shown
17 on the obligor's title if the property is a motor vehicle;

18 (9) a statement that the lien attaches to all
19 nonexempt real and personal property of the obligor that is located
20 or recorded in the state, including any property specifically
21 identified in the notice and any property acquired after the date of
22 filing or delivery of the notice;

23 (10) a statement that any ordered child support not
24 timely paid in the future constitutes a final judgment for the
25 amount due and owing, including interest, and accrues up to an
26 amount that may not exceed the lien amount; and

27 (11) a statement that the obligor is being provided a

1 copy of the lien notice and that the obligor may dispute the
2 arrearage amount by filing suit under Section 157.323.

3 (c) Except as provided by Subsection (e), the ~~[The]~~ lien
4 notice must be verified.

5 (e) A notice of a lien for child support under this section
6 may be in the form authorized by federal law or regulation. The
7 federal form of lien notice does not require verification when used
8 by the Title IV-D agency.

9 SECTION 19. Section 157.317(a-1), Family Code, is amended
10 to read as follows:

11 (a-1) A lien attaches to all property owned on or acquired
12 after the date the lien notice or abstract of judgment is filed with
13 the county clerk of the county in which the property is located,
14 with the court clerk as to property or claims in litigation, or, as
15 to property of the obligor in the possession or control of a third
16 party, from the date the lien notice is delivered to ~~[filed with]~~
17 that party.

18 SECTION 20. Subchapter C, Chapter 158, Family Code, is
19 amended by adding Section 158.214 to read as follows:

20 Sec. 158.214. WITHHOLDING FROM SEVERANCE PAY. (a) In this
21 section, "severance pay" means income paid on termination of
22 employment in addition to the employee's usual earnings from the
23 employer at the time of termination.

24 (b) An employer receiving an order or writ of withholding
25 under this chapter shall withhold from any severance pay owed an
26 obligor an amount equal to the amount the employer would have
27 withheld under the order or writ if the severance pay had been paid

1 as the obligor's usual earnings as a current employee.

2 (c) The total amount that may be withheld under this section
3 is subject to the maximum amount allowed to be withheld under
4 Section 158.009.

5 SECTION 21. Section 159.102(23), Family Code, is amended to
6 read as follows:

7 (23) "Support order" means a judgment, decree, [~~or~~]
8 order, or directive, whether temporary, final, or subject to
9 modification, issued by a tribunal for the benefit of a child, a
10 spouse, or a former spouse that provides for monetary support,
11 health care, arrearages, or reimbursement and may include related
12 costs and fees, interest, income withholding, attorney's fees, and
13 other relief.

14 SECTION 22. Section 161.206, Family Code, is amended by
15 adding Subsection (d) to read as follows:

16 (d) An order rendered under this section must include a
17 finding that:

18 (1) a request for identification of a court of
19 continuing, exclusive jurisdiction has been made as required by
20 Section 155.101; and

21 (2) all parties entitled to notice, including the
22 Title IV-D agency, have been notified.

23 SECTION 23. Section 201.104(d), Family Code, is amended to
24 read as follows:

25 (d) An associate judge [~~Only the referring court~~] may hear
26 and render an order on a motion for postjudgment relief, including a
27 motion for a new trial or to vacate, correct, or reform a judgment

1 rendered by the associate judge. An associate judge may not grant
2 postjudgment relief under Rule 306a, 316, or 329, Texas Rules of
3 Civil Procedure, that alters or affects any judicial action taken
4 by the referring court on the associate judge's recommendation.

5 SECTION 24. Section 231.202, Family Code, is amended to
6 read as follows:

7 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
8 CASES. In a Title IV-D case filed under this title, including a
9 case filed under Chapter 159, the Title IV-D agency shall pay:

10 (1) filing fees and fees for issuance and service of
11 process as provided by Chapter 110 of this code and by Sections
12 51.317, 51.318(b)(2), and 51.319(2), Government Code;

13 (2) fees for transfer as provided by Chapter 110;

14 (3) fees for the issuance and delivery of orders and
15 writs of income withholding in the amounts provided by Chapter 110;

16 (4) the fee that sheriffs and constables are
17 authorized to charge for serving process under Section 118.131,
18 Local Government Code, for each item of process to each individual
19 on whom service is required, including service by certified or
20 registered mail, to be paid to a sheriff, constable, or clerk
21 whenever service of process is required; ~~and~~

22 (5) the fee for filing an administrative writ of
23 withholding under Section 158.503(d); and

24 (6) the fee for issuance of a subpoena as provided by
25 Section 51.318(b)(1), Government Code.

26 SECTION 25. Sections 232.001(1)-(3), Family Code, are
27 amended to read as follows:

1 (1) "License" means a license, certificate,
2 registration, permit, or other authorization that:

3 (A) is issued by a licensing authority;

4 (B) is subject before expiration to renewal,
5 suspension, revocation, forfeiture, or termination by a [~~the~~
6 ~~issuing~~] licensing authority; and

7 (C) a person must obtain to:

8 (i) practice or engage in a particular
9 business, occupation, or profession;

10 (ii) operate a motor vehicle on a public
11 highway in this state; or

12 (iii) engage in any other regulated
13 activity, including hunting, fishing, or other recreational
14 activity for which a license or permit is required.

15 (2) "Licensing authority" means a department,
16 commission, board, office, or other agency of the state or a
17 political subdivision of the state that issues or renews a license
18 or that otherwise has authority to suspend or refuse to renew a
19 license.

20 (3) "Order suspending license" means an order issued
21 by the Title IV-D agency or a court directing a licensing authority
22 to suspend or refuse to renew a license.

23 SECTION 26. Section 232.002, Family Code, as amended by
24 S.B. 411, Acts of the 79th Legislature, Regular Session, 2005,
25 effective September 1, 2005, is amended to read as follows:

26 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.
27 Unless otherwise restricted or exempted, all [~~The following are~~]

1 licensing authorities are subject to this chapter [↯

2 [~~(1) Department of Agriculture,~~

3 [~~(2) Texas Alcoholic Beverage Commission,~~

4 [~~(3) Texas Appraiser Licensing and Certification~~
5 ~~Board,~~

6 [~~(4) Texas Board of Architectural Examiners,~~

7 [~~(5) Texas Board of Chiropractic Examiners,~~

8 [~~(6) Comptroller of Public Accounts,~~

9 [~~(7) Court Reporters Certification Board,~~

10 [~~(8) State Board of Dental Examiners,~~

11 [~~(9) Texas State Board of Examiners of Dietitians,~~

12 [~~(10) Texas Funeral Service Commission,~~

13 [~~(11) Department of State Health Services,~~

14 [~~(12) Department of Aging and Disability Services,~~

15 [~~(13) Texas Board of Professional Land Surveying,~~

16 [~~(14) Texas Department of Licensing and Regulation,~~

17 [~~(15) Texas State Board of Examiners of Marriage and~~
18 ~~Family Therapists,~~

19 [~~(16) Texas State Board of Medical Examiners,~~

20 [~~(17) Midwifery Board,~~

21 [~~(18) Texas Commission on Environmental Quality,~~

22 [~~(19) Board of Nurse Examiners,~~

23 [~~(20) Texas Board of Occupational Therapy Examiners,~~

24 [~~(21) Texas Optometry Board,~~

25 [~~(22) Parks and Wildlife Department,~~

26 [~~(23) Texas State Board of Examiners of Perfusionists,~~

27 [~~(24) Texas State Board of Pharmacy,~~

- 1 ~~[(25) Texas Board of Physical Therapy Examiners,~~
2 ~~[(26) Texas State Board of Plumbing Examiners,~~
3 ~~[(27) Texas State Board of Podiatric Medical~~
4 ~~Examiners,~~
5 ~~[(28) Polygraph Examiners Board,~~
6 ~~[(29) Texas Private Security Board,~~
7 ~~[(30) Texas State Board of Examiners of Professional~~
8 ~~Counselors,~~
9 ~~[(31) Texas Board of Professional Engineers,~~
10 ~~[(32) Department of Family and Protective Services,~~
11 ~~[(33) Texas State Board of Examiners of Psychologists,~~
12 ~~[(34) Texas State Board of Public Accountancy,~~
13 ~~[(35) Department of Public Safety of the State of~~
14 ~~Texas,~~
15 ~~[(36) Public Utility Commission of Texas,~~
16 ~~[(37) Railroad Commission of Texas,~~
17 ~~[(38) Texas Real Estate Commission,~~
18 ~~[(39) State Bar of Texas,~~
19 ~~[(40) Texas State Board of Social Worker Examiners,~~
20 ~~[(41) State Board of Examiners for Speech-Language~~
21 ~~Pathology and Audiology,~~
22 ~~[(42) Texas Structural Pest Control Board,~~
23 ~~[(43) Board of Tax Professional Examiners,~~
24 ~~[(44) Secretary of State,~~
25 ~~[(45) Supreme Court of Texas,~~
26 ~~[(46) Texas Transportation Commission,~~
27 ~~[(47) State Board of Veterinary Medical Examiners,~~

1 ~~[(48) Texas Ethics Commission,~~
2 ~~[(49) Advisory Board of Athletic Trainers,~~
3 ~~[(50) State Committee of Examiners in the Fitting and~~
4 ~~Dispensing of Hearing Instruments,~~
5 ~~[(51) Texas Board of Licensure for Professional~~
6 ~~Medical Physicists,~~
7 ~~[(52) Texas Department of Insurance,~~
8 ~~[(53) Texas Board of Orthotics and Prosthetics,~~
9 ~~[(54) savings and loan commissioner,~~
10 ~~[(55) Texas Juvenile Probation Commission, and~~
11 ~~[(56) Texas Lottery Commission under Chapter 466,~~
12 ~~Government Code].~~

13 SECTION 27. Chapter 232, Family Code, is amended by adding
14 Section 232.0022 to read as follows:

15 Sec. 232.0022. SUSPENSION OF MOTOR VEHICLE REGISTRATION.
16 The Texas Department of Transportation is the appropriate licensing
17 authority for suspension of a motor vehicle registration under this
18 chapter. The general registration provisions of Chapter 502,
19 Transportation Code, do not apply to the suspension or denial of a
20 renewal of a motor vehicle registration under this chapter.

21 SECTION 28. Section 232.004(a), Family Code, is amended to
22 read as follows:

23 (a) A child support agency or obligee may file a petition to
24 suspend, as provided by this chapter, a license of an obligor who
25 has an arrearage equal to or greater than the total support due for
26 three months [~~90 days~~] under a support order.

27 SECTION 29. Sections 232.006(b) and (c), Family Code, are

1 amended to read as follows:

2 (b) Notice under this section may be served:

3 (1) if the party has been ordered under Chapter 105 to
4 provide the court and registry with the party's current mailing
5 address, by mailing a copy of the notice to the respondent, together
6 with a copy of the petition, by first class mail to the last mailing
7 address of the respondent on file with the court and the state case
8 registry; or

9 (2) as in civil cases generally.

10 (c) The notice must contain the following prominently
11 displayed statement in boldfaced type, capital letters, or
12 underlined:

13 "AN ACTION TO SUSPEND ONE OR MORE LICENSES ISSUED TO YOU HAS
14 BEEN FILED AS PROVIDED BY CHAPTER 232, TEXAS FAMILY CODE. YOU MAY
15 EMPLOY AN ATTORNEY TO REPRESENT YOU IN THIS ACTION. IF YOU OR YOUR
16 ATTORNEY DO NOT REQUEST A HEARING BEFORE THE 21ST DAY AFTER THE DATE
17 OF SERVICE OF THIS NOTICE, AN ORDER SUSPENDING YOUR ~~[OF]~~ LICENSE
18 ~~[SUSPENSION]~~ MAY BE RENDERED."

19 SECTION 30. Chapter 232, Family Code, is amended by adding
20 Section 232.0135 to read as follows:

21 Sec. 232.0135. DENIAL OF LICENSE RENEWAL. (a) The Title
22 IV-D agency may deliver to a licensing authority a notice
23 concerning an obligor who has failed to pay child support for six
24 months or more and requesting the authority to refuse to accept the
25 obligor's application for renewal of a license issued by the
26 authority to the obligor.

27 (b) A licensing authority that receives the information

1 described by Subsection (a) shall refuse to accept an application
2 for renewal of the license of the obligor until the authority is
3 notified by the Title IV-D agency that the obligor has:

4 (1) paid all child support arrearages;

5 (2) established with the Title IV-D agency a
6 satisfactory repayment schedule or is in compliance with a court
7 order for payment of the arrearages;

8 (3) been granted an exemption from this subsection as
9 part of a court-supervised plan to improve the obligor's earnings
10 and child support payments; or

11 (4) successfully contested the denial of renewal of
12 license under Subsection (d).

13 (c) On delivery to a licensing authority of the notice
14 described by Subsection (a), the Title IV-D agency shall send a copy
15 of the notice to the obligor by first class mail and inform the
16 obligor of the steps the obligor must take to permit the authority
17 to accept the obligor's application for renewal.

18 (d) An obligor receiving notice under Subsection (c) may
19 request a review by the Title IV-D agency to resolve any issue in
20 dispute regarding the identity of the obligor or the existence or
21 amount of child support arrearages. The Title IV-D agency shall
22 promptly provide an opportunity for a review, either by telephone
23 or in person, as appropriate to the circumstances. After the
24 review, if appropriate, the Title IV-D agency may notify the
25 licensing authority that the authority may accept the obligor's
26 application for renewal of license. If the Title IV-D agency and
27 the obligor fail to resolve any issue in dispute, the obligor, not

1 later than the 30th day after the date of receiving notice of the
2 Title IV-D agency's determination from the review, may file a
3 motion with the court to direct the Title IV-D agency to withdraw
4 the notice issued under Subsection (a) and request a hearing on the
5 motion. The obligor's application for license renewal may not be
6 accepted by the licensing authority until the court rules on the
7 motion.

8 (e) If an obligor enters into a repayment agreement with the
9 Title IV-D agency under this section, the Title IV-D agency may
10 incorporate the agreement in an order to be filed with and confirmed
11 by the court in the manner provided for agreed orders under Chapter
12 233.

13 (f) In this section, "licensing authority" does not include
14 the State Securities Board.

15 SECTION 31. Section 232.014, Family Code, is amended to
16 read as follows:

17 Sec. 232.014. FEE BY LICENSING AUTHORITY. (a) A licensing
18 authority may charge a fee to an individual who is the subject of an
19 order suspending license or of an action by the Title IV-D agency to
20 deny renewal of license in an amount sufficient to recover the
21 administrative costs incurred by the authority under this chapter.

22 (b) Fees collected under Subsection (a) by the Texas
23 Department of Transportation or the Department of Public Safety
24 shall be deposited to the credit of the state highway fund.

25 SECTION 32. Section 234.001(c), Family Code, is amended to
26 read as follows:

27 (c) The state disbursement unit shall:

1 (1) receive, maintain, and furnish records of child
2 support payments in Title IV-D cases and other cases as authorized
3 by law;

4 (2) forward child support payments as authorized by
5 law;

6 (3) maintain records of child support payments
7 [~~payment records~~] made through the state disbursement unit; and

8 (4) make available to a local registry each day in a
9 manner determined by the Title IV-D agency [~~with the assistance of~~
10 ~~the work group established under Section 234.003~~] the following
11 information:

12 (A) the cause number of the suit under which
13 withholding is required;

14 (B) the payor's name and social security number;

15 (C) the payee's name and, if available, social
16 security number;

17 (D) the date the disbursement unit received the
18 payment;

19 (E) the amount of the payment; and

20 (F) the instrument identification information.

21 SECTION 33. Section 234.006, Family Code, is amended to
22 read as follows:

23 Sec. 234.006. RULEMAKING [~~EFFECTIVE DATE AND PROCEDURES~~].

24 The Title IV-D agency [~~, in cooperation with the work group~~
25 ~~established under Section 234.003,~~] may adopt rules in compliance

26 with federal law for the operation of the state case registry and
27 the state disbursement unit.

1 SECTION 34. Subchapter B, Chapter 234, Family Code, is
2 amended by adding Section 234.105 to read as follows:

3 Sec. 234.105. CIVIL PENALTY. (a) In addition to any other
4 remedy provided by law, an employer who knowingly violates a
5 procedure adopted under Section 234.104 for reporting employee
6 information may be liable for a civil penalty as permitted by
7 Section 453A(d) of the federal Social Security Act (42 U.S.C.
8 Section 653a).

9 (b) The amount of the civil penalty may not exceed:

10 (1) \$25 for each occurrence in which an employer fails
11 to report an employee; or

12 (2) \$500 for each occurrence in which the conduct
13 described by Subdivision (1) is the result of a conspiracy between
14 the employer and an employee to not supply a required report or to
15 submit a false or incomplete report.

16 (c) The attorney general may sue to collect the civil
17 penalty. A penalty collected under this section shall be deposited
18 in a special fund in the state treasury.

19 SECTION 35. Section 804.001, Government Code, is amended by
20 amending Subdivisions (1) and (2) and adding Subdivision (1-a) to
21 read as follows:

22 (1) "Alternate payee" means a spouse, former spouse,
23 child support obligee, child, or other dependent of a member or
24 retiree who is recognized by a domestic relations order as having a
25 right to receive all or a portion of the benefits payable by a
26 public retirement system with respect to such member or retiree.

27 (1-a) "Child support obligee" has the meaning assigned

1 to "obligee" by Section 101.021, Family Code.

2 (2) "Domestic relations order" means any judgment,
3 decree, or order, including approval of a property settlement
4 agreement, which relates to the provision of child support, alimony
5 payments, or marital property rights to a spouse, former spouse,
6 child support obligee, child, or other dependent of a member or
7 retiree, and is made pursuant to a domestic relations law,
8 including a community property law of the State of Texas or of
9 another state.

10 SECTION 36. Sections 207.093(a) and (d), Labor Code, are
11 amended to read as follows:

12 (a) The commission shall withhold from the benefits payable
13 to an individual that owes a child support obligation an amount
14 equal to:

15 (1) any amount required to be withheld under legal
16 process properly served on the commission;

17 (2) if Subdivision (1) does not apply, the amount
18 determined under an agreement submitted to the commission under
19 Section 454(19)(B)(i) [~~454(20)(B)(i)~~] of the Social Security Act
20 (42 U.S.C. Section 654) by the state or local child support
21 enforcement agency; or

22 (3) if neither Subdivision (1) or (2) applies, the
23 amount the individual specifies to the commission to be withheld.

24 (d) In this section, "legal process" has the meaning
25 assigned by Section 459(i)(5) [~~462(e)~~] of the Social Security Act
26 (42 U.S.C. Section 659 [~~662~~]).

27 SECTION 37. Section 501.002(9), Transportation Code, is

1 amended to read as follows:

2 (9) "Lien" means:

3 (A) a lien provided for by the constitution or
4 statute in a motor vehicle; ~~or~~

5 (B) a security interest, as defined by Section
6 1.201, Business & Commerce Code, in a motor vehicle, other than an
7 absolute title, created by any written security agreement, as
8 defined by Section 9.102, Business & Commerce Code, including a
9 lease, conditional sales contract, deed of trust, chattel mortgage,
10 trust receipt, or reservation of title; or

11 (C) a child support lien under Chapter 157,
12 Family Code.

13 SECTION 38. Section 201.104(e), Family Code, is repealed.

14 SECTION 39. (a) The change in law made by this Act relating
15 to a court order establishing paternity or the obligation to pay
16 child support applies only to a suit affecting the parent-child
17 relationship filed on or after the effective date of this Act. A
18 suit affecting the parent-child relationship filed before the
19 effective date of this Act is governed by the law in effect on the
20 date the suit was filed, and the former law is continued in effect
21 for that purpose.

22 (b) The change in law made by this Act relating to the
23 modification or enforcement of a child support order rendered
24 before the effective date of this Act applies only to a proceeding
25 for modification or enforcement that is commenced on or after the
26 effective date of this Act. A proceeding for modification or
27 enforcement that is commenced before the effective date of this Act

1 is governed by the law in effect on the date the proceeding was
2 commenced, and the former law is continued in effect for that
3 purpose.

4 (c) The change in law made by this Act by the enactment of
5 Section 234.105, Family Code, applies only to a violation that
6 occurs on or after the effective date of this Act. A violation that
7 occurs before that date is governed by the law in effect on the date
8 the violation occurred, and the former law is continued in effect
9 for that purpose.

10 SECTION 40. The change in law made by this Act relating to
11 the property interests of spouses in connection with community
12 property applies:

13 (1) to a suit for dissolution of a marriage pending
14 before a trial court on or filed on or after the effective date of
15 Section 1 of this Act; and

16 (2) to the estate of a person who dies on or after the
17 effective date of Section 1 of this Act.

18 SECTION 41. (a) Except as provided by Subsection (b) of
19 this section, this Act takes effect December 1, 2005.

20 (b) Sections 1 and 40 of this Act take effect September 1,
21 2005, if this Act receives a vote of two-thirds of all the members
22 elected to each house, as provided by Section 39, Article III, Texas
23 Constitution. If this Act does not receive the vote necessary for
24 immediate effect, Sections 1 and 40 of this Act take effect December
25 1, 2005.