

Amend **HB 260** (second reading engrossment) as follows:

(1) Strike page 13, line 13, through page 14, line 1, and substitute the following:

SECTION 14. Section 156.401, Family Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1) or (b), the court may modify an order that provides for the support of a child if:

(1) the circumstances of the child or a person affected by the order have materially and substantially changed since the earlier of:

(A) the date of the order's rendition; or

(B) the date of the signing of a mediated or collaborative law settlement agreement on which the order is based; or

(2) it has been three years since the order was rendered or last modified and the monthly amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded in accordance with the child support guidelines.

(a-1) If the parties agree to an order under which the amount of child support differs from the amount that would be awarded in accordance with the child support guidelines, the court may modify the order only if the circumstances of the child or a person affected by the order have materially and substantially changed since the date of the order's rendition.

(2) On page 14, line 4, strike "Subsection (a) [~~(a) (1)~~]" and substitute "this section [~~Subsection (a) (1)~~]".

(3) On page 14, line 9, strike "156.401(a)" and substitute "156.401".

(4) On page 14, line 19, strike "156.401 (a)" and substitute "156.401".

(5) On page 17, lines 3 and 4, strike "The changes in law made by this Act to Sections 156.006 and 156.401, Family Code, apply" and substitute "The change in law made by this Act to Section 156.006, Family Code, applies".

(6) On page 17, between lines 8 and 9, insert the following

appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. The change in law made by this Act to Section 156.401, Family Code, applies only to a suit for modification pending before a trial court on or filed on or after the effective date of this Act.

(7) Strike SECTION 26 of the bill (page 17, line 17) and substitute the following appropriately numbered SECTION:

SECTION _____. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.