

BILL ANALYSIS

Senate Research Center
79R4323 KKA-F

H.B. 1182
By: Dutton (Wentworth)
Jurisprudence
4/27/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

A writ of withholding is a document issued to an employer indicating that a portion of an employee's earnings must be withheld by court order for payment of child support. Currently, the Office of Attorney General is the only governmental entity authorized to issue administrative writs of withholding. The writs can be issued at any time until all current support, including medical support and child support arrearages, have been paid.

H.B. 1182 permits a domestic relations office to issue and deliver administrative writs of withholding in proceedings in which the domestic relations office was providing child support enforcement services. This bill also allows administering entities to authorize domestic relations offices to assess and collect fees as reimbursement for costs incurred from filing administrative writs of withholding.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 101.0011, Family Code, as follows:

Sec. 101.0011. ADMINISTRATIVE WRIT OF WITHHOLDING. Redefines "administrative writ of withholding."

SECTION 2. Amends the heading to Subchapter F, Chapter 158, Family Code, to read as follows:

SUBCHAPTER F. ADMINISTRATIVE WRIT OF WITHHOLDING

SECTION 3. Amends the heading to Section 158.501, Family Code, to read as follows:

Sec. 158.501. ISSUANCE OF ADMINISTRATIVE WRIT OF WITHHOLDING.

SECTION 4. Amends Section 158.501, Family Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Provides that except as provided by Subsection (d), the Title IV-D agency is the only entity that may issue an administrative writ under this subchapter.

(d) Authorizes a domestic relations office to issue an administrative writ of withholding under this chapter in a proceeding in which the office is providing child support enforcement services. Provides that a reference in this code to the Title IV-D agency that relates to an administrative writ includes a domestic relations office, except the writ is required to be in the form prescribed by the Title IV-D agency under Section 158.504 (Confirmation Administrative Writ of Withholding).

SECTION 5. Amends Section 203.004(a), Family Code, to authorize a domestic relations office to issue an administrative writ of withholding under Subchapter F, Chapter 158.

SECTION 6. Amends Section 203.005(a), Family Code, to authorize the administering entity to authorize a domestic relations office to assess and collect a fee to reimburse the domestic relations office for a fee required to be paid under Section 158.503(d) for filing an administrative writ of withholding.

SECTION 7. Effective date: September 1, 2005.