

## BILL ANALYSIS

H.B. 1182  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### BACKGROUND AND PURPOSE

Domestic Relations Offices (“DRO”) have been enforcing and collecting child support since 1952, when the Travis County Domestic Relations Office opened its doors. Custodial parents rely on DROs to enforce their orders for child support, and non-custodial parents rely on DROs to enforce orders for possession and access. Both custodial and non-custodial parents frequently seek help from their local DRO in obtaining or terminating orders withholding for child support. These offices pursue child support enforcement through correspondence, telephone contact, negotiations, and repayment schedules and when these non-judicial efforts are unsuccessful, the DRO must resort to time consuming and expensive litigation. DROs currently have access to all child support enforcement tools available in Chapters 157 and 158 of the Texas Family Code with the exception of the administrative writs of withholding.

Currently, the Title IV-D agency is the only governmental entity with authority to issue administrative writs of withholding. As well, use of this enforcement tool should be extended to Domestic Relations Offices. The ability to issue an administrative writ of withholding directly to an employer will significantly expedite income withholding or termination of income withholding for thousands of parents across the state.

House Bill 1182 would extend the administrative writ of withholding to DROs which will ensure that more children receive the financial support to which they are entitled, and that both custodial and non-custodial parents have improved access to the remedies provided for by existing Texas law. Additionally, this bill would allow a copy of the administrative income withholding order to be filed with the district clerk in the court’s file immediately. In other cases where the non-custodial parent has fallen behind and accumulated arrears, a DRO would be able to issue directly to the employer an administrative writ of withholding to assure the family not only current child support payments but payments on the arrears that are owed.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

- Section 1.** Amends Section 101.0011 of the Family Code to provide for a domestic relations office to issue an administrative writ of withholding for payment of child support.
- Section 2.** The heading to Subchapter F, Chapter 158, Family Code, is amended to read as follows: SUBCHAPTER F. ADMINISTRATIVE WRIT OF WITHHOLDING
- Section 3.** The heading to Section 158.501, Family Code, is amended to read as follows: Section 158.501. ISSUANCE OF ADMINISTRATIVE WRIT OF WITHHOLDING.
- Section 4.** Amends Section 158.501 of Family Code by amending Subsection (b) and adding Subsection (d) to provide that the Title IV-D agency is the only entity that may issue an administrative writ under this subchapter. Subsection (d) provides that a domestic relations office may issue an administrative writ of withholding under this chapter in a proceeding in which the office is providing child support

enforcement services. A reference in this code to the Title IV-D agency that relates to an administrative writ includes a domestic relations office, except that the writ must be in the form prescribed by the Title IV-D agency under Section 158.504.

**Section 5.** Amends Section 203.004(a) of the Family Code to issue an administrative writ of withholding under Subchapter F, Chapter 158.

**Section 6.** Amends Section 203.005(a) of the Family Code to provide for 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.** This Act takes effect September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005.