

BILL ANALYSIS

C.S.H.B. 2351
By: Raymond
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, child support obligors and claimants who reach an agreement by which an obligor can pay an agreed upon amount of owed child support less than the amount of the full debt are not required to put such an agreement in writing. If both parties come to an arrangement that is mutually agreeable, C.S.H.B.2351 would provide for the agreement to be executed in writing and release the obligor after he or she pays the agreed upon amount of child support. Putting the agreement in writing and submitting a copy to the Attorney General's office eliminates any later confusion as to whether or not the obligor was released from the lien.

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 157.321 of the Family Code by providing that a claimant may enter into a written agreement with the obligor for release of a lien on payment of an amount that is less than the full amount of child support due, including any costs and reasonable attorney's fees. The release must be delivered to the Title IV-D agency and specifically state the amount of child support that was paid by the obligor on or before the date the release is executed and indicate whether that amount is inclusive or exclusive of interest and be accompanied by a copy of the written agreement under which the obligor's payment of an amount that is less than the amount of child support due is considered satisfaction for the full amount, including accrued interest, at the time the release is executed. A release under Subsection(b) does not prevent a future action to impose a child support lien on the same property or other property owned by the obligor for child support arrearages that accrue after the date of execution of the release of lien.

SECTION 2. The change in law made by this Act applies only to a child support lien release executed on or after the effective date of this Act. A child support lien release executed before the effective date of this Act is governed by the law in effect on the date the release was executed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.2351 modifies the original H.B.2351 by amending Section 157.321 of the Family Code instead of Section 157.322(a) of the Family Code, as originally filed.