

## **BILL ANALYSIS**

H.B. 2668  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Guardian Ad Litem Program has been operating in Collin County since June 1986 and in Dallas County since June 1987. It began as a pilot project in the 199th District Court in Collin County where it monitored, received, and dispersed payments, *as well as* enforce child support orders, it was then adopted in the remaining Collin County general jurisdiction courts, as well as three family courts in Dallas County (255th, 303rd, 301st).

The program operates on a user maintenance fee of \$10 exacted on a monthly basis, and the enforcement costs are borne by the non-compliant obligor. The Guardian is appointed under the court's inherent powers, by virtue of omnibus orders, as well as by specific appointment at the establishment of the child support obligation. However, in recent months, problems for parents using this system have ranged from receiving pitifully small support checks to incomplete payment records to threats of jail time for not paying child support.

The confusion caused by a legal struggle between the Attorney General's Office and Child Support Systems, Inc has also led to four formal complaints from divorced parents against the guardian ad litem's office in the last two years: two from parents upset with the service, one from a father who was put in jail for not paying the company, and another from a Plano mother whose check dropped to less than \$10. Some spouses who have paid child support faithfully for years now face contempt charges.

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act mandated that states form centralized disbursement units to collect and pay all child support ordered after January 1994. In 1997, the Texas Legislature followed suit and amended the family code to make the attorney general responsible for collecting and disbursing child-support payments directly to custodial parents, however problems with the guardian ad litem agency still continue.

House Bill 2668 amends the Family Code to redefine a local registry as a county agency or public entity that receives, maintains and distributes child support payments, thereby creating more stability and ensuring accountability. H.B.2668 also allows a private entity to perform the duties and functions of a local registry only under a contract with a county commissioners court or domestic relations office.

### **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 101.018 of the Family Code, which provides that a "local registry" means a county agency or public entity operated under the authority of a district clerk, county government, juvenile board, juvenile probation office, domestic relations office, or other county agency or public entity that serves a county or court that has jurisdiction under this title and that (1) receives child support payments; (2) maintains records of child support payments; (3) distributes child support payments as required by law; and (4) maintains custody of official child support payment records.

- Section 2.** Amends Section 154.241 of the Family Code by adding Subsection (g) which provides that a private entity may perform the duties and functions of a local registry under this section only under a contract with a county commissioners court or domestic relations office executed under Section 204.002.
- Section 3.** Amends Section 204.001 of the Family Code to provide that this chapter only applies to a commissioners court or domestic relations office of a county that did not have the authority to contract with a private entity to receive, disburse, and record payments or restitution of child support on January 1, 1997.
- Section 4.** 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.

**EFFECTIVE DATE**

September 1, 2005