

By: Smith of Tarrant

H.B. No. 392

A BILL TO BE ENTITLED

AN ACT

relating to the guidelines for determining monthly child support.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.125, Family Code, is amended to read as follows:

Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES OF \$7,500 [~~\$6,000~~] OR LESS. (a) The guidelines for the support of a child in this section are specifically designed to apply to situations in which the obligor's monthly net resources are \$7,500 [~~\$6,000~~] or less.

(b) If the obligor's monthly net resources are \$7,500 [~~\$6,000~~] or less, the court shall presumptively apply the following schedule in rendering the child support order:

CHILD SUPPORT GUIDELINES

BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1 child	20% of Obligor's Net Resources
2 children	25% of Obligor's Net Resources
3 children	30% of Obligor's Net Resources
4 children	35% of Obligor's Net Resources
5 children	40% of Obligor's Net Resources
6+ children	Not less than the amount for 5 children

SECTION 2. Section 154.126, Family Code, is amended to read as follows:

Sec. 154.126. APPLICATION OF GUIDELINES TO NET RESOURCES OF

1 MORE THAN \$7,500 [~~\$6,000~~] MONTHLY. (a) If the obligor's net  
2 resources exceed \$7,500 [~~\$6,000~~] per month, the court shall  
3 presumptively apply the percentage guidelines to the first \$7,500  
4 [~~\$6,000~~] of the obligor's net resources. Without further reference  
5 to the percentage recommended by these guidelines, the court may  
6 order additional amounts of child support as appropriate, depending  
7 on the income of the parties and the proven needs of the child.

8 (b) The proper calculation of a child support order that  
9 exceeds the presumptive amount established for the first \$7,500  
10 [~~\$6,000~~] of the obligor's net resources requires that the entire  
11 amount of the presumptive award be subtracted from the proven total  
12 needs of the child. After the presumptive award is subtracted, the  
13 court shall allocate between the parties the responsibility to meet  
14 the additional needs of the child according to the circumstances of  
15 the parties. However, in no event may the obligor be required to  
16 pay more child support than the greater of the presumptive amount or  
17 the amount equal to 100 percent of the proven needs of the child.

18 SECTION 3. Section 154.130(b), Family Code, is amended to  
19 read as follows:

20 (b) If findings are required by this section, the court  
21 shall state whether the application of the guidelines would be  
22 unjust or inappropriate and shall state the following in the child  
23 support order:

24 "(1) the monthly net resources of the obligor per month  
25 are \$\_\_\_\_\_;

26 "(2) the monthly net resources of the obligee per month  
27 are \$\_\_\_\_\_;

1           "(3) the percentage applied to the obligor's net  
2 resources for child support by the actual order rendered by the  
3 court is \_\_\_\_\_%;

4           "(4) the amount of child support if the percentage  
5 guidelines are applied to the first \$7,500 [~~\$6,000~~] of the  
6 obligor's net resources is \$\_\_\_\_\_;

7           "(5) if applicable, the specific reasons that the  
8 amount of child support per month ordered by the court varies from  
9 the amount stated in Subdivision (4) are: \_\_\_\_\_; and

10           "(6) if applicable, the obligor is obligated to  
11 support children in more than one household, and:

12           "(A) the number of children before the court is  
13 \_\_\_\_\_;

14           "(B) the number of children not before the court  
15 residing in the same household with the obligor is \_\_\_\_\_; and

16           "(C) the number of children not before the court  
17 for whom the obligor is obligated by a court order to pay support,  
18 without regard to whether the obligor is delinquent in child  
19 support payments, and who are not counted under Paragraph (A) or (B)  
20 is \_\_\_\_\_."

21           SECTION 4. The change in law made by this Act applies only  
22 to a suit affecting the parent-child relationship that is  
23 commenced on or after the effective date of this Act. A suit  
24 affecting the parent-child relationship commenced before the  
25 effective date of this Act is governed by the law in effect on the  
26 date the suit was filed, and the former law is continued in effect  
27 for that purpose.

1 SECTION 5. This Act takes effect September 1, 2005.