

By: Dutton

H.B. No. 440

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the modification of a child support order during the
3 obligor's confinement in jail or prison.

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

5 SECTION 1. Section 156.401, Family Code, is amended by
6 adding Subsection (e) to read as follows:

7 (e) The rendering of a judgment or order for the confinement
8 of an obligor in a local, state, or federal jail or prison for a
9 period of at least 90 consecutive days is a material and substantial
10 change in circumstances for purposes of Subsection (a)(1). On the
11 obligor's request, the court shall order that the obligor's child
12 support obligations be suspended during the obligor's period of
13 confinement unless the court finds that the obligor has resources,
14 other than resources attributable to earnings for personal
15 services, available to pay those obligations.

16 SECTION 2. Section 156.401(e), Family Code, as added by
17 this Act, applies only to a suit for modification of a child support
18 order that is filed on or after the effective date of this Act. A
19 suit for modification that is filed before the effective date of
20 this Act is governed by the law in effect on the date the suit was
21 filed, and the former law is continued in effect for that purpose.

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