

By: Dutton

H.B. No. 1182

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of an administrative writ of withholding for the enforcement of a child support obligation.

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

SECTION 1. Section 101.0011, Family Code, is amended to read as follows:

Sec. 101.0011. ADMINISTRATIVE WRIT OF WITHHOLDING. "Administrative writ of withholding" means the document issued by the Title IV-D agency or domestic relations office and delivered to an employer directing that earnings be withheld for payment of child support as provided by Chapter 158.

SECTION 2. The heading to Subchapter F, Chapter 158, Family Code, is amended to read as follows:

SUBCHAPTER F. ADMINISTRATIVE WRIT OF WITHHOLDING

~~[IN TITLE IV-D CASES]~~

SECTION 3. The heading to Section 158.501, Family Code, is amended to read as follows:

Sec. 158.501. ISSUANCE OF ADMINISTRATIVE WRIT OF WITHHOLDING ~~[BY TITLE IV-D AGENCY]~~.

SECTION 4. Section 158.501, Family Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), the ~~[The]~~ Title IV-D agency is the only entity that may issue an administrative writ

1 under this subchapter.

2 (d) A domestic relations office may issue an administrative
3 writ of withholding under this chapter in a proceeding in which the
4 office is providing child support enforcement services. A
5 reference in this code to the Title IV-D agency that relates to an
6 administrative writ includes a domestic relations office, except
7 that the writ must be in the form prescribed by the Title IV-D
8 agency under Section 158.504.

9 SECTION 5. Section 203.004(a), Family Code, is amended to
10 read as follows:

11 (a) A domestic relations office may:

12 (1) collect and disburse child support payments that
13 are ordered by a court to be paid through a domestic relations
14 registry;

15 (2) maintain records of payments and disbursements
16 made under Subdivision (1);

17 (3) file a suit, including a suit to:

18 (A) establish paternity;

19 (B) enforce a court order for child support or
20 for possession of and access to a child; and

21 (C) modify or clarify an existing child support
22 order;

23 (4) provide an informal forum in which:

24 (A) mediation is used to resolve disputes in an
25 action under Subdivision (3); or

26 (B) an agreed repayment schedule for delinquent
27 child support is negotiated as an alternative to filing a suit to

1 enforce a court order for child support under Subdivision (3);

2 (5) prepare a court-ordered social study;

3 (6) represent a child as guardian ad litem in a suit in
4 which:

5 (A) termination of the parent-child relationship
6 is sought; or

7 (B) conservatorship of or access to a child is
8 contested;

9 (7) serve as a friend of the court;

10 (8) provide predivorce counseling ordered by a court;

11 (9) provide community supervision services under
12 Chapter 157;

13 (10) provide information to assist a party in
14 understanding, complying with, or enforcing the party's duties and
15 obligations under Subdivision (3); ~~and~~

16 (11) provide, directly or through a contract,
17 visitation services, including supervision of court-ordered
18 visitation, visitation exchange, or other similar services; and

19 (12) issue an administrative writ of withholding under
20 Subchapter F, Chapter 158.

21 SECTION 6. Section 203.005(a), Family Code, is amended to
22 read as follows:

23 (a) The administering entity may authorize a domestic
24 relations office to assess and collect:

25 (1) an initial operations fee not to exceed \$15 to be
26 paid to the domestic relations office on the filing of a suit;

27 (2) in a county that has a child support enforcement

1 cooperative agreement with the Title IV-D agency, an initial child
2 support service fee not to exceed \$36 to be paid to the domestic
3 relations office on the filing of a suit;

4 (3) a reasonable application fee to be paid by an
5 applicant requesting services from the office;

6 (4) a reasonable attorney's fee and court costs
7 incurred or ordered by the court;

8 (5) a monthly service fee not to exceed \$3 to be paid
9 annually in advance by a managing conservator and possessory
10 conservator for whom the domestic relations office provides child
11 support services;

12 (6) community supervision fees as provided by Chapter
13 157 if community supervision officers are employed by the domestic
14 relations office;

15 (7) a reasonable fee for preparation of a
16 court-ordered social study; ~~and~~

17 (8) in a county that provides visitation services
18 under Sections 153.014 and 203.004 a reasonable fee to be paid to
19 the domestic relations office at the time the visitation services
20 are provided; and

21 (9) a fee to reimburse the domestic relations office
22 for a fee required to be paid under Section 158.503(d) for filing an
23 administrative writ of withholding.

24 SECTION 7. This Act takes effect September 1, 2005.