

1-1 By: Dutton (Senate Sponsor - Wentworth) H.B. No. 1182  
1-2 (In the Senate - Received from the House April 22, 2005;  
1-3 April 25, 2005, read first time and referred to Committee on  
1-4 Jurisprudence; May 5, 2005, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the issuance of an administrative writ of withholding  
1-9 for the enforcement of a child support obligation.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 101.0011, Family Code, is amended to  
1-12 read as follows:

1-13 Sec. 101.0011. ADMINISTRATIVE WRIT OF WITHHOLDING.  
1-14 "Administrative writ of withholding" means the document issued by  
1-15 the Title IV-D agency or domestic relations office and delivered to  
1-16 an employer directing that earnings be withheld for payment of  
1-17 child support as provided by Chapter 158.

1-18 SECTION 2. The heading to Subchapter F, Chapter 158, Family  
1-19 Code, is amended to read as follows:

1-20 SUBCHAPTER F. ADMINISTRATIVE WRIT OF WITHHOLDING

1-21 [~~IN TITLE IV-D CASES~~]

1-22 SECTION 3. The heading to Section 158.501, Family Code, is  
1-23 amended to read as follows:

1-24 Sec. 158.501. ISSUANCE OF ADMINISTRATIVE WRIT OF  
1-25 WITHHOLDING [~~BY TITLE IV-D AGENCY~~].

1-26 SECTION 4. Section 158.501, Family Code, is amended by  
1-27 amending Subsection (b) and adding Subsection (d) to read as  
1-28 follows:

1-29 (b) Except as provided by Subsection (d), the [The] Title  
1-30 IV-D agency is the only entity that may issue an administrative writ  
1-31 under this subchapter.

1-32 (d) A domestic relations office may issue an administrative  
1-33 writ of withholding under this chapter in a proceeding in which the  
1-34 office is providing child support enforcement services. A  
1-35 reference in this code to the Title IV-D agency that relates to an  
1-36 administrative writ includes a domestic relations office, except  
1-37 that the writ must be in the form prescribed by the Title IV-D  
1-38 agency under Section 158.504.

1-39 SECTION 5. Section 203.004(a), Family Code, is amended to  
1-40 read as follows:

1-41 (a) A domestic relations office may:

1-42 (1) collect and disburse child support payments that  
1-43 are ordered by a court to be paid through a domestic relations  
1-44 registry;

1-45 (2) maintain records of payments and disbursements  
1-46 made under Subdivision (1);

1-47 (3) file a suit, including a suit to:

1-48 (A) establish paternity;

1-49 (B) enforce a court order for child support or  
1-50 for possession of and access to a child; and

1-51 (C) modify or clarify an existing child support  
1-52 order;

1-53 (4) provide an informal forum in which:

1-54 (A) mediation is used to resolve disputes in an  
1-55 action under Subdivision (3); or

1-56 (B) an agreed repayment schedule for delinquent  
1-57 child support is negotiated as an alternative to filing a suit to  
1-58 enforce a court order for child support under Subdivision (3);

1-59 (5) prepare a court-ordered social study;

1-60 (6) represent a child as guardian ad litem in a suit in  
1-61 which:

1-62 (A) termination of the parent-child relationship  
1-63 is sought; or

1-64 (B) conservatorship of or access to a child is

2-1 contested;

2-2 (7) serve as a friend of the court;

2-3 (8) provide predivorce counseling ordered by a court;

2-4 (9) provide community supervision services under

2-5 Chapter 157;

2-6 (10) provide information to assist a party in

2-7 understanding, complying with, or enforcing the party's duties and

2-8 obligations under Subdivision (3); ~~and~~

2-9 (11) provide, directly or through a contract,

2-10 visitation services, including supervision of court-ordered

2-11 visitation, visitation exchange, or other similar services; and

2-12 (12) issue an administrative writ of withholding under

2-13 Subchapter F, Chapter 158.

2-14 SECTION 6. Section 203.005(a), Family Code, is amended to

2-15 read as follows:

2-16 (a) The administering entity may authorize a domestic

2-17 relations office to assess and collect:

2-18 (1) an initial operations fee not to exceed \$15 to be

2-19 paid to the domestic relations office on the filing of a suit;

2-20 (2) in a county that has a child support enforcement

2-21 cooperative agreement with the Title IV-D agency, an initial child

2-22 support service fee not to exceed \$36 to be paid to the domestic

2-23 relations office on the filing of a suit;

2-24 (3) a reasonable application fee to be paid by an

2-25 applicant requesting services from the office;

2-26 (4) a reasonable attorney's fee and court costs

2-27 incurred or ordered by the court;

2-28 (5) a monthly service fee not to exceed \$3 to be paid

2-29 annually in advance by a managing conservator and possessory

2-30 conservator for whom the domestic relations office provides child

2-31 support services;

2-32 (6) community supervision fees as provided by Chapter

2-33 157 if community supervision officers are employed by the domestic

2-34 relations office;

2-35 (7) a reasonable fee for preparation of a

2-36 court-ordered social study; ~~and~~

2-37 (8) in a county that provides visitation services

2-38 under Sections 153.014 and 203.004 a reasonable fee to be paid to

2-39 the domestic relations office at the time the visitation services

2-40 are provided; and

2-41 (9) a fee to reimburse the domestic relations office

2-42 for a fee required to be paid under Section 158.503(d) for filing an

2-43 administrative writ of withholding.

2-44 SECTION 7. This Act takes effect September 1, 2005.

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