

By: Dutton, Goodman

H.B. No. 1449

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to suits affecting the parent-child relationship,  
3 including proceedings for the establishment, modification, and  
4 enforcement of child support; providing a civil penalty.

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

6 SECTION 1. Chapter 101, Family Code, is amended by adding  
7 Section 101.0255 to read as follows:

8 Sec. 101.0255. RECORD. "Record" means information that  
9 is:

10 (1) inscribed on a tangible medium or stored in an  
11 electronic or other medium; and

12 (2) retrievable in a perceivable form.

13 SECTION 2. Section 102.009(d), Family Code, is amended to  
14 read as follows:

15 (d) If the petition requests the establishment,  
16 termination, modification, or enforcement of a support right  
17 assigned to the Title IV-D agency under Chapter 231 or the  
18 rescission of a voluntary acknowledgment of paternity under Chapter  
19 160, notice shall be given to the Title IV-D agency in a manner  
20 provided by Rule 21a, Texas Rules of Civil Procedure.

21 SECTION 3. Section 105.008(a), Family Code, is amended to  
22 read as follows:

23 (a) The clerk of the court shall provide the state case  
24 registry with a record of a court order for child support as

1 required by procedures adopted by the Title IV-D agency [~~under~~  
2 ~~Section 234.003~~]. The record of an order shall include information  
3 provided by the parties on a form developed by the Title IV-D  
4 agency. The form shall be completed by the petitioner and submitted  
5 to the clerk at the time the order is filed for record.

6 SECTION 4. Section 151.001(b), Family Code, is amended to  
7 read as follows:

8 (b) The duty of a parent to support his or her child exists  
9 while the child is an unemancipated minor and continues as long as  
10 the child is fully enrolled in a [~~an accredited~~] secondary school  
11 and complies with attendance requirements described by Section  
12 154.002(a)(2) [~~in a program leading toward a high school diploma~~  
13 ~~until the end of the school year in which the child graduates~~].

14 SECTION 5. Section 153.0071, Family Code, is amended by  
15 adding Subsection (c-1) and amending Subsections (d) and (e) to  
16 read as follows:

17 (c-1) The parties may agree to conduct one or more informal  
18 settlement conferences and may agree that the settlement  
19 conferences may be conducted with or without the presence of the  
20 parties' attorneys, if any.

21 (d) A written [~~mediated~~] settlement agreement reached at  
22 mediation or at an informal settlement conference is binding on the  
23 parties if the agreement:

24 (1) provides, in a prominently displayed statement  
25 that is in boldfaced type or capital letters or underlined, that the  
26 agreement is not subject to revocation;

27 (2) is signed by each party to the agreement; and



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 8. 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 9. Section 155.301(c), Family Code, is amended to  
22 read as follows:

23           (c) Except as otherwise provided by this subsection, if [~~If~~]  
24 a transfer of continuing, exclusive jurisdiction is sought under  
25 this section, the procedures for determining and effecting a  
26 transfer of proceedings provided by this chapter apply. If the  
27 parties submit to the court an agreed order for transfer, the court

1 shall sign the order without the need for other pleadings.

2 SECTION 10. Section 156.401(b), Family Code, is amended to  
3 read as follows:

4 (b) A support order may be modified with regard to the  
5 amount of support ordered only as to obligations accruing after the  
6 earlier of:

7 (1) the date of service of citation; or

8 (2) an appearance in the suit to modify.

9 SECTION 11. Section 156.409, Family Code, is amended by  
10 amending Subsection (a) and adding Subsection (a-1) to read as  
11 follows:

12 (a) The [~~If the sole managing conservator of a child or the~~  
13 ~~joint managing conservator who has the exclusive right to determine~~  
14 ~~the primary residence of the child has voluntarily relinquished the~~  
15 ~~primary care and possession of the child to another person for at~~  
16 ~~least six months, the]~~ court may modify an order providing for the  
17 support of a a [~~the~~] child to provide that the [~~other~~] person having  
18 physical possession of the child, including a conservator or  
19 governmental entity, shall have the right to receive and give  
20 receipt for payments of support for the child and to hold or  
21 disburse money for the benefit of the child if the sole managing  
22 conservator of the child or the joint managing conservator who has  
23 the exclusive right to determine the primary residence of the child  
24 has:

25 (1) voluntarily relinquished the primary care and  
26 possession of the child to another person for at least six months;

27 (2) been incarcerated or sentenced to be incarcerated

1 for at least 30 days; or

2 (3) relinquished the primary care and possession of  
3 the child under Chapter 262.

4 (a-1) If the court modifies a support order under this  
5 section, the court shall order the obligor to pay the person or  
6 entity having physical possession of the child any unpaid child  
7 support that is not subject to offset or reimbursement under  
8 Section 157.008 and that accrues after the date the sole or joint  
9 managing conservator:

10 (1) relinquishes possession and control of the child,  
11 whether voluntarily or under Chapter 262; or

12 (2) is incarcerated.

13 SECTION 12. Section 157.005(a), Family Code, is amended to  
14 read as follows:

15 (a) The court retains jurisdiction to render a contempt  
16 order for failure to comply with the child support order if the  
17 motion for enforcement is filed not later than the second  
18 anniversary of [~~sixth month after~~] the date:

19 (1) the child becomes an adult; or

20 (2) on which the child support obligation terminates  
21 under the order or by operation of law.

22 SECTION 13. Section 157.065(a), Family Code, is amended to  
23 read as follows:

24 (a) If a party has been ordered under Chapter 105 to provide  
25 the court and the state case registry with the party's current  
26 mailing address, notice of a hearing on a motion for enforcement may  
27 be served by mailing a copy of the notice to the respondent,

1 together with a copy of the motion, by first class mail to the last  
2 mailing address of the respondent on file with the court and the  
3 registry.

4 SECTION 14. Sections 157.105(a) and (c), Family Code, are  
5 amended to read as follows:

6 (a) If the respondent is taken into custody and not released  
7 on bond, the respondent shall be brought before the court that  
8 issued the capias on or before the third [~~first~~] working day after  
9 the arrest. The court shall determine whether the respondent's  
10 appearance in court at a designated time and place can be assured by  
11 a method other than by posting the bond or security previously  
12 established.

13 (c) If the court is not satisfied that the respondent's  
14 appearance in court can be assured and the respondent remains in  
15 custody, a hearing on the alleged contempt shall be held as soon as  
16 practicable, but not later than the seventh [~~fifth~~] day after the  
17 date that the respondent was taken into custody, unless the  
18 respondent and the respondent's attorney waive the accelerated  
19 hearing.

20 SECTION 15. Section 157.211, Family Code, is amended to  
21 read as follows:

22 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the  
23 court places the respondent on community supervision [~~and suspends~~  
24 ~~commitment~~], the terms and conditions of community supervision may  
25 include the requirement that the respondent:

26 (1) report to the community supervision officer as  
27 directed;



1           (2) permit the community supervision officer to visit  
2 the respondent at the respondent's home or elsewhere;

3           (3) obtain counseling on financial planning, budget  
4 management, conflict resolution, parenting skills, alcohol or drug  
5 abuse, or other matters causing the respondent to fail to obey the  
6 order;

7           (4) pay required child support and any child support  
8 arrearages;

9           (5) pay court costs and attorney's fees ordered by the  
10 court;

11           (6) seek employment assistance services offered by the  
12 Texas Workforce Commission under Section 302.0035, Labor Code, if  
13 appropriate; ~~and~~

14           (7) participate in mediation or other services to  
15 alleviate conditions that prevent the respondent from obeying the  
16 court's order; and

17           (8) submit to a period of confinement in a county jail  
18 beginning at any time during the community supervision period,  
19 except that the aggregate of all periods of confinement during the  
20 community supervision period may not exceed 180 days.

21           SECTION 16. Section 157.212, Family Code, is amended to  
22 read as follows:

23           Sec. 157.212. TERM OF COMMUNITY SUPERVISION. The initial  
24 period of community supervision ~~[period]~~ may not exceed 10 years.  
25 The court may continue the community supervision until the earlier  
26 of:

27           (1) the expiration of an additional two-year period

1 beyond the 10 years; or

2 (2) the date on which all child support, including  
3 arrearages and interest, has been paid.

4 SECTION 17. Sections 157.216(a) and (b), Family Code, are  
5 amended to read as follows:

6 (a) The court shall hold a hearing without a jury not later  
7 than [~~on or before~~] the third [~~first~~] working day after the date the  
8 respondent is arrested under Section 157.215. If the court is  
9 unavailable for a hearing on that date, the hearing shall be held  
10 not later than the third [~~first~~] working day after the date the  
11 court becomes available.

12 (b) The hearing under this section may not be held later  
13 than the seventh [~~third~~] working day after the date the respondent  
14 is arrested.

15 SECTION 18. Section 157.263(c), Family Code, is amended to  
16 read as follows:

17 (c) If the amount of arrearages confirmed by the court  
18 reflects a credit to the obligor for support arrearages collected  
19 from a federal tax refund under 42 U.S.C. Section 664, [~~as amended,~~]  
20 and, subsequently, the amount of that credit is reduced because the  
21 refund was adjusted because of an injured spouse claim by a jointly  
22 filing spouse, the tax return was amended, or the return was audited  
23 by the Internal Revenue Service, or for another reason permitted by  
24 law [~~based on a joint return under which another person was entitled~~  
25 ~~to a share of the refund under 42 U.S.C. Section 664, as amended],  
26 the court shall render a new cumulative judgment to include as  
27 arrearages an amount equal to the amount by which the credit was~~

1 reduced.

2 SECTION 19. Section 157.264(b), Family Code, is amended to  
3 read as follows:

4 (b) The court shall [~~may~~] render an order requiring[+]

5 [~~(1) that income be withheld from the disposable~~  
6 ~~earnings of the obligor in an amount sufficient to discharge the~~  
7 ~~judgment in not more than two years; or~~

8 [~~(2) if the obligor is not subject to income~~  
9 ~~withholding,~~] that the obligor make periodic payments on the  
10 judgment, including by income withholding under Chapter 158 if the  
11 obligor is subject to income withholding [~~to the obligee in an~~  
12 ~~amount sufficient to discharge the judgment within a reasonable~~  
13 ~~time~~].

14 SECTION 20. Section 157.269, Family Code, is amended to  
15 read as follows:

16 Sec. 157.269. RETENTION OF JURISDICTION. A court that  
17 renders an order providing for the payment of child support  
18 [~~arrearages~~] retains continuing jurisdiction to enforce the order,  
19 including by adjusting the amount of the periodic payments to be  
20 made by the obligor or the amount to be withheld from the obligor's  
21 disposable earnings, until all current support and medical support  
22 and child support arrearages, including interest and any applicable  
23 fees and costs, have been paid.

24 SECTION 21. Sections 157.313(a), (c), and (e), Family Code,  
25 are amended to read as follows:

26 (a) Except as provided by Subsection (e), a child support  
27 lien notice must contain:

1           (1) the name and address of the person to whom the  
2 notice is being sent;

3           (2) the style, docket or cause number, and identity of  
4 the tribunal of this or another state having continuing  
5 jurisdiction of the child support action and, if the case is a Title  
6 IV-D case, the case number;

7           (3) the full name, address, and, if known, the birth  
8 date, driver's license number, social security number, and any  
9 aliases of the obligor;

10          (4) the full name and, if known, social security  
11 number of the obligee;

12          (5) the amount of the current or prospective child  
13 support obligation, the frequency with which current or prospective  
14 child support is ordered to be paid, and the amount of child support  
15 arrearages owed by the obligor and the date of the signing of the  
16 court order, administrative order, or writ that determined the  
17 arrearages or the date and manner in which the arrearages were  
18 determined;

19          (6) the rate of interest specified in the court order,  
20 administrative order, or writ or, in the absence of a specified  
21 interest rate, the rate provided for by law;

22          (7) the name and address of the person or agency  
23 asserting the lien;

24          (8) the motor vehicle identification number as shown  
25 on the obligor's title if the property is a motor vehicle;

26          (9) a statement that the lien attaches to all  
27 nonexempt real and personal property of the obligor that is located

1 or recorded in the state, including any property specifically  
2 identified in the notice and any property acquired after the date of  
3 filing or delivery of the notice;

4 (10) a statement that any ordered child support not  
5 timely paid in the future constitutes a final judgment for the  
6 amount due and owing, including interest, and accrues up to an  
7 amount that may not exceed the lien amount; and

8 (11) a statement that the obligor is being provided a  
9 copy of the lien notice and that the obligor may dispute the  
10 arrearage amount by filing suit under Section 157.323.

11 (c) Except as provided by Subsection (e), the ~~[The]~~ lien  
12 notice must be verified.

13 (e) A notice of a lien for child support under this section  
14 may be in the form authorized by federal law or regulation. The  
15 federal form of lien notice does not require verification when used  
16 by the Title IV-D agency.

17 SECTION 22. Section 157.317(a-1), Family Code, is amended  
18 to read as follows:

19 (a-1) A lien attaches to all property owned on or acquired  
20 after the date the lien notice or abstract of judgment is filed with  
21 the county clerk of the county in which the property is located,  
22 with the court clerk as to property or claims in litigation, or, as  
23 to property of the obligor in the possession or control of a third  
24 party, from the date the lien notice is delivered to ~~[filed with]~~  
25 that party.

26 SECTION 23. Subchapter C, Chapter 158, Family Code, is  
27 amended by adding Section 158.214 to read as follows:

1       Sec. 158.214. WITHHOLDING FROM SEVERANCE PAY. (a) In this  
2 section, "severance pay" means income paid on termination of  
3 employment in addition to the employee's usual earnings from the  
4 employer at the time of termination.

5       (b) An employer receiving an order or writ of withholding  
6 under this chapter shall withhold from any severance pay owed an  
7 obligor an amount equal to the amount the employer would have  
8 withheld under the order or writ if the severance pay had been paid  
9 as the obligor's usual earnings as a current employee.

10       (c) The total amount that may be withheld under this section  
11 is subject to the maximum amount allowed to be withheld under  
12 Section 158.009.

13       SECTION 24. Section 159.102(23), Family Code, is amended to  
14 read as follows:

15               (23) "Support order" means a judgment, decree, [~~or~~]  
16 order, or directive, whether temporary, final, or subject to  
17 modification, issued by a tribunal for the benefit of a child, a  
18 spouse, or a former spouse that provides for monetary support,  
19 health care, arrearages, or reimbursement and may include related  
20 costs and fees, interest, income withholding, attorney's fees, and  
21 other relief.

22       SECTION 25. Section 159.316, Family Code, is amended by  
23 adding Subsection (j) to read as follows:

24       (j) A voluntary acknowledgment of paternity, certified as a  
25 true copy, is admissible to establish parentage of the child.

26       SECTION 26. Section 161.206, Family Code, is amended by  
27 adding Subsection (d) to read as follows:

1        (d) An order rendered under this section must include a  
2 finding that:

3            (1) a request for identification of a court of  
4 continuing, exclusive jurisdiction has been made as required by  
5 Section 155.101; and

6            (2) all parties entitled to notice, including the  
7 Title IV-D agency, have been notified.

8        SECTION 27. Section 201.104(d), Family Code, is amended to  
9 read as follows:

10        (d) An associate judge [~~Only the referring court~~] may hear  
11 and render an order on a motion for postjudgment relief, including a  
12 motion for a new trial or to vacate, correct, or reform a judgment  
13 rendered by the associate judge. An associate judge may not grant  
14 postjudgment relief under Rule 306a, 316, or 329, Texas Rules of  
15 Civil Procedure, that alters or affects any judicial action taken  
16 by the referring court on the associate judge's recommendation.

17        SECTION 28. Section 201.113, Family Code, is amended by  
18 adding Subsection (d) to read as follows:

19        (d) Section 2252.901, Government Code, does not apply to the  
20 appointment of a visiting associate judge under this section.

21        SECTION 29. Section 201.208, Family Code, is amended by  
22 adding Subsection (e) to read as follows:

23        (e) Section 2252.901, Government Code, does not apply to the  
24 appointment of a visiting associate judge under this section.

25        SECTION 30. Section 231.202, Family Code, is amended to  
26 read as follows:

27        Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D

1 CASES. In a Title IV-D case filed under this title, including a  
2 case filed under Chapter 159, the Title IV-D agency shall pay:

3 (1) filing fees and fees for issuance and service of  
4 process as provided by Chapter 110 of this code and by Sections  
5 51.317, 51.318(b)(2), and 51.319(2), Government Code;

6 (2) fees for transfer as provided by Chapter 110;

7 (3) fees for the issuance and delivery of orders and  
8 writs of income withholding in the amounts provided by Chapter 110;

9 (4) the fee that sheriffs and constables are  
10 authorized to charge for serving process under Section 118.131,  
11 Local Government Code, for each item of process to each individual  
12 on whom service is required, including service by certified or  
13 registered mail, to be paid to a sheriff, constable, or clerk  
14 whenever service of process is required; ~~and~~

15 (5) the fee for filing an administrative writ of  
16 withholding under Section 158.503(d); and

17 (6) the fee for issuance of a subpoena as provided by  
18 Section 51.318(b)(1), Government Code.

19 SECTION 31. Sections 232.001(1)-(3), Family Code, are  
20 amended to read as follows:

21 (1) "License" means a license, certificate,  
22 registration, permit, or other authorization that:

23 (A) is issued by a licensing authority;

24 (B) is subject before expiration to renewal,  
25 suspension, revocation, forfeiture, or termination by a ~~the~~  
26 ~~issuing~~ licensing authority; and

27 (C) a person must obtain to:



1 (i) practice or engage in a particular  
2 business, occupation, or profession;

3 (ii) operate a motor vehicle on a public  
4 highway in this state; or

5 (iii) engage in any other regulated  
6 activity, including hunting, fishing, or other recreational  
7 activity for which a license or permit is required.

8 (2) "Licensing authority" means a department,  
9 commission, board, office, or other agency of the state or a  
10 political subdivision of the state that issues or renews a license  
11 or that otherwise has authority to suspend or refuse to renew a  
12 license.

13 (3) "Order suspending license" means an order issued  
14 by the Title IV-D agency or a court directing a licensing authority  
15 to suspend or refuse to renew a license.

16 SECTION 32. Section 232.002, Family Code, is amended to  
17 read as follows:

18 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.  
19 Unless otherwise restricted or exempted, all [The following are]  
20 licensing authorities are subject to this chapter [+

21 [~~(1) Department of Agriculture,~~

22 [~~(2) Texas Commission on Alcohol and Drug Abuse,~~

23 [~~(3) Texas Alcoholic Beverage Commission,~~

24 [~~(4) Texas Appraiser Licensing and Certification~~  
25 ~~Board,~~

26 [~~(5) Texas Board of Architectural Examiners,~~

27 [~~(6) State Board of Barber Examiners,~~

- 1           ~~[(7) Texas Board of Chiropractic Examiners,~~
- 2           ~~[(8) Comptroller of Public Accounts,~~
- 3           ~~[(9) Texas Cosmetology Commission,~~
- 4           ~~[(10) Court Reporters Certification Board,~~
- 5           ~~[(11) State Board of Dental Examiners,~~
- 6           ~~[(12) Texas State Board of Examiners of Dietitians,~~
- 7           ~~[(13) Texas Funeral Service Commission,~~
- 8           ~~[(14) Texas Department of Health,~~
- 9           ~~[(15) Texas Department of Human Services,~~
- 10          ~~[(16) Texas Board of Professional Land Surveying,~~
- 11          ~~[(17) Texas Department of Licensing and Regulation,~~
- 12          ~~[(18) Texas State Board of Examiners of Marriage and~~
- 13 ~~Family Therapists,~~
- 14          ~~[(19) Texas State Board of Medical Examiners,~~
- 15          ~~[(20) Midwifery Board,~~
- 16          ~~[(21) Texas Commission on Environmental Quality,~~
- 17          ~~[(22) Board of Nurse Examiners,~~
- 18          ~~[(23) Texas Board of Occupational Therapy Examiners,~~
- 19          ~~[(24) Texas Optometry Board,~~
- 20          ~~[(25) Parks and Wildlife Department,~~
- 21          ~~[(26) Texas State Board of Examiners of Perfusionists,~~
- 22          ~~[(27) Texas State Board of Pharmacy,~~
- 23          ~~[(28) Texas Board of Physical Therapy Examiners,~~
- 24          ~~[(29) Texas State Board of Plumbing Examiners,~~
- 25          ~~[(30) Texas State Board of Podiatric Medical~~
- 26 ~~Examiners,~~
- 27          ~~[(31) Polygraph Examiners Board,~~

- 1           ~~[(32) Texas Commission on Private Security,~~  
2           ~~[(33) Texas State Board of Examiners of Professional~~  
3 ~~Counselors,~~  
4           ~~[(34) Texas Board of Professional Engineers,~~  
5           ~~[(35) Department of Protective and Regulatory~~  
6 ~~Services,~~  
7           ~~[(36) Texas State Board of Examiners of Psychologists,~~  
8           ~~[(37) Texas State Board of Public Accountancy,~~  
9           ~~[(38) Department of Public Safety of the State of~~  
10 ~~Texas,~~  
11           ~~[(39) Public Utility Commission of Texas,~~  
12           ~~[(40) Railroad Commission of Texas,~~  
13           ~~[(41) Texas Real Estate Commission,~~  
14           ~~[(42) State Bar of Texas,~~  
15           ~~[(43) Texas State Board of Social Worker Examiners,~~  
16           ~~[(44) State Board of Examiners for Speech-Language~~  
17 ~~Pathology and Audiology,~~  
18           ~~[(45) Texas Structural Pest Control Board,~~  
19           ~~[(46) Board of Tax Professional Examiners,~~  
20           ~~[(47) Secretary of State,~~  
21           ~~[(48) Supreme Court of Texas,~~  
22           ~~[(49) Texas Transportation Commission,~~  
23           ~~[(50) State Board of Veterinary Medical Examiners,~~  
24           ~~[(51) Texas Ethics Commission,~~  
25           ~~[(52) Advisory Board of Athletic Trainers,~~  
26           ~~[(53) State Committee of Examiners in the Fitting and~~  
27 ~~Dispensing of Hearing Instruments,~~

1           ~~[(54) Texas Board of Licensure for Professional~~  
2 ~~Medical Physicists,~~  
3           ~~[(55) Texas Department of Insurance,~~  
4           ~~[(56) Texas Board of Orthotics and Prosthetics,~~  
5           ~~[(57) savings and loan commissioner,~~  
6           ~~[(58) Texas Juvenile Probation Commission, and~~  
7           ~~[(59) Texas Lottery Commission under Chapter 466,~~  
8 ~~Government Code].~~

9           SECTION 33. Chapter 232, Family Code, is amended by adding  
10 Section 232.0022 to read as follows:

11           Sec. 232.0022. SUSPENSION OF MOTOR VEHICLE REGISTRATION.  
12 The Texas Department of Transportation is the appropriate licensing  
13 authority for suspension of a motor vehicle registration under this  
14 chapter. The general registration provisions of Chapter 502,  
15 Transportation Code, do not apply to the suspension or denial of a  
16 renewal of a motor vehicle registration under this chapter.

17           SECTION 34. Section 232.004(a), Family Code, is amended to  
18 read as follows:

19           (a) A child support agency or obligee may file a petition to  
20 suspend, as provided by this chapter, a license of an obligor who  
21 has an arrearage equal to or greater than the total support due for  
22 three months ~~[90 days]~~ under a support order.

23           SECTION 35. Sections 232.006(b) and (c), Family Code, are  
24 amended to read as follows:

25           (b) Notice under this section may be served:  
26           (1) if the party has been ordered under Chapter 105 to  
27 provide the court and registry with the party's current mailing

1 address, by mailing a copy of the notice to the respondent, together  
2 with a copy of the petition, by first class mail to the last mailing  
3 address of the respondent on file with the court and the state case  
4 registry; or

5 (2) as in civil cases generally.

6 (c) The notice must contain the following prominently  
7 displayed statement in boldfaced type, capital letters, or  
8 underlined:

9 "AN ACTION TO SUSPEND ONE OR MORE LICENSES ISSUED TO YOU HAS  
10 BEEN FILED AS PROVIDED BY CHAPTER 232, TEXAS FAMILY CODE. YOU MAY  
11 EMPLOY AN ATTORNEY TO REPRESENT YOU IN THIS ACTION. IF YOU OR YOUR  
12 ATTORNEY DO NOT REQUEST A HEARING BEFORE THE 21ST DAY AFTER THE DATE  
13 OF SERVICE OF THIS NOTICE, AN ORDER SUSPENDING YOUR ~~[OF]~~ LICENSE  
14 ~~[SUSPENSION]~~ MAY BE RENDERED."

15 SECTION 36. Chapter 232, Family Code, is amended by adding  
16 Section 232.0135 to read as follows:

17 Sec. 232.0135. DENIAL OF LICENSE RENEWAL. (a) The Title  
18 IV-D agency may provide a licensing authority with information  
19 concerning an obligor who has failed to pay child support for six  
20 months or more.

21 (b) A licensing authority that receives the information  
22 described by Subsection (a) shall refuse to accept an application  
23 for renewal of the license of the obligor until the authority is  
24 notified by the Title IV-D agency that the obligor has:

25 (1) paid all child support arrearages;

26 (2) established with the Title IV-D agency a  
27 satisfactory repayment schedule or is in compliance with a court

1 order for payment of the arrearages;

2 (3) been granted an exemption from this subsection as  
3 part of a court-supervised plan to improve the obligor's earnings  
4 and child support payments; or

5 (4) successfully contested the denial of renewal of  
6 license under Subsection (d).

7 (c) On providing a licensing authority with the information  
8 described by Subsection (a), the Title IV-D agency shall  
9 immediately notify the obligor by first class mail that the  
10 information has been provided and of the steps the obligor must take  
11 to prevent the denial by the authority of an application for license  
12 renewal or to permit the authority to accept the obligor's  
13 application for renewal.

14 (d) An obligor receiving notice under Subsection (c) may  
15 request a review by the Title IV-D agency to resolve any issue in  
16 dispute regarding the identity of the obligor or the existence or  
17 amount of child support arrearages. The Title IV-D agency shall  
18 provide an opportunity for a review, either by telephone or in  
19 person, as appropriate to the circumstances. After the review, if  
20 appropriate, the Title IV-D agency may notify the licensing  
21 authority that it may accept the obligor's application for renewal  
22 of license. If the Title IV-D agency and the obligor fail to  
23 resolve any issue in dispute, the obligor, not later than the 30th  
24 day after the date of receiving notice of the Title IV-D agency's  
25 determination from the review, may file a motion with the court to  
26 direct the licensing authority to accept the obligor's application  
27 for renewal of license and request a hearing on the motion. The

1 obligor's application for license renewal may not be accepted by  
2 the licensing authority until the court rules on the motion.

3 (e) If an obligor enters into a repayment agreement with the  
4 Title IV-D agency under this section, the Title IV-D agency may  
5 incorporate the agreement in an order to be filed with and confirmed  
6 by the court in the manner provided for agreed orders under Chapter  
7 233.

8 (f) In this section, "licensing authority" does not include  
9 the State Securities Board.

10 SECTION 37. Section 232.014, Family Code, is amended to  
11 read as follows:

12 Sec. 232.014. FEE BY LICENSING AUTHORITY. A licensing  
13 authority may charge a fee to an individual who is the subject of an  
14 order suspending license or of an action by the Title IV-D agency to  
15 deny renewal of license in an amount sufficient to recover the  
16 administrative costs incurred by the authority under this chapter.  
17 The amount charged may not exceed the actual costs incurred.

18 SECTION 38. Section 234.001(c), Family Code, is amended to  
19 read as follows:

20 (c) The state disbursement unit shall:

21 (1) receive, maintain, and furnish records of child  
22 support payments in Title IV-D cases and other cases as authorized  
23 by law;

24 (2) forward child support payments as authorized by  
25 law;

26 (3) maintain records of child support payments  
27 [~~payment records~~] made through the state disbursement unit; and

1           (4) make available to a local registry each day in a  
2 manner determined by the Title IV-D agency [~~with the assistance of~~  
3 ~~the work group established under Section 234.003~~] the following  
4 information:

5                   (A) the cause number of the suit under which  
6 withholding is required;

7                   (B) the payor's name and social security number;

8                   (C) the payee's name and, if available, social  
9 security number;

10                  (D) the date the disbursement unit received the  
11 payment;

12                  (E) the amount of the payment; and

13                  (F) the instrument identification information.

14           SECTION 39. Section 234.006, Family Code, is amended to  
15 read as follows:

16           Sec. 234.006. RULEMAKING [~~EFFECTIVE DATE AND PROCEDURES~~].  
17 The Title IV-D agency [~~, in cooperation with the work group~~  
18 ~~established under Section 234.003,~~] may adopt rules in compliance  
19 with federal law for the operation of the state case registry and  
20 the state disbursement unit.

21           SECTION 40. Subchapter B, Chapter 234, Family Code, is  
22 amended by adding Section 234.105 to read as follows:

23           Sec. 234.105. CIVIL PENALTY. (a) In addition to any other  
24 remedy provided by law, an employer who knowingly violates a  
25 procedure adopted under Section 234.104 for reporting employee  
26 information may be liable for a civil penalty as permitted by  
27 Section 453A(d) of the federal Social Security Act (42 U.S.C.



1 Section 653a).

2 (b) The amount of the civil penalty may not exceed:

3 (1) \$25 for each occurrence in which an employer fails  
4 to report an employee; or

5 (2) \$500 for each occurrence in which the conduct  
6 described by Subdivision (1) is the result of a conspiracy between  
7 the employer and an employee to not supply a required report or to  
8 submit a false or incomplete report.

9 (c) The attorney general may sue to collect the civil  
10 penalty. A penalty collected under this section shall be deposited  
11 in a special fund in the state treasury.

12 SECTION 41. Section 804.001, Government Code, is amended by  
13 amending Subdivisions (1) and (2) and adding Subdivision (1-a) to  
14 read as follows:

15 (1) "Alternate payee" means a spouse, former spouse,  
16 child support obligee, child, or other dependent of a member or  
17 retiree who is recognized by a domestic relations order as having a  
18 right to receive all or a portion of the benefits payable by a  
19 public retirement system with respect to such member or retiree.

20 (1-a) "Child support obligee" has the meaning assigned  
21 to "obligee" by Section 101.021, Family Code.

22 (2) "Domestic relations order" means any judgment,  
23 decree, or order, including approval of a property settlement  
24 agreement, which relates to the provision of child support, alimony  
25 payments, or marital property rights to a spouse, former spouse,  
26 child support obligee, child, or other dependent of a member or  
27 retiree, and is made pursuant to a domestic relations law,

1 including a community property law of the State of Texas or of  
2 another state.

3 SECTION 42. Sections 207.093(a) and (d), Labor Code, are  
4 amended to read as follows:

5 (a) The commission shall withhold from the benefits payable  
6 to an individual that owes a child support obligation an amount  
7 equal to:

8 (1) any amount required to be withheld under legal  
9 process properly served on the commission;

10 (2) if Subdivision (1) does not apply, the amount  
11 determined under an agreement submitted to the commission under  
12 Section 454(19)(B)(i) [~~454(20)(B)(i)~~] of the Social Security Act  
13 (42 U.S.C. Section 654) by the state or local child support  
14 enforcement agency; or

15 (3) if neither Subdivision (1) or (2) applies, the  
16 amount the individual specifies to the commission to be withheld.

17 (d) In this section, "legal process" has the meaning  
18 assigned by Section 459(i)(5) [~~462(e)~~] of the Social Security Act  
19 (42 U.S.C. Section 659 [~~662~~]).

20 SECTION 43. Section 501.002(9), Transportation Code, is  
21 amended to read as follows:

22 (9) "Lien" means:

23 (A) a lien provided for by the constitution or  
24 statute in a motor vehicle; [~~or~~]

25 (B) a security interest, as defined by Section  
26 1.201, Business & Commerce Code, in a motor vehicle, other than an  
27 absolute title, created by any written security agreement, as

1 defined by Section 9.102, Business & Commerce Code, including a  
2 lease, conditional sales contract, deed of trust, chattel mortgage,  
3 trust receipt, or reservation of title; or

4 (C) a child support lien under Chapter 157,  
5 Family Code.

6 SECTION 44. Section 201.104(e), Family Code, is repealed.

7 SECTION 45. (a) The change in law made by this Act relating  
8 to a court order establishing paternity or the obligation to pay  
9 child support applies only to a suit affecting the parent-child  
10 relationship filed on or after the effective date of this Act. A  
11 suit affecting the parent-child relationship filed before the  
12 effective date of this Act is governed by the law in effect on the  
13 date the suit was filed, and the former law is continued in effect  
14 for that purpose.

15 (b) The change in law made by this Act relating to the  
16 modification or enforcement of a child support order rendered  
17 before the effective date of this Act applies only to a proceeding  
18 for modification or enforcement that is commenced on or after the  
19 effective date of this Act. A proceeding for modification or  
20 enforcement that is commenced before the effective date of this Act  
21 is governed by the law in effect on the date the proceeding was  
22 commenced, and the former law is continued in effect for that  
23 purpose.

24 (c) The change in law made by this Act by the enactment of  
25 Section 234.105, Family Code, applies only to a violation that  
26 occurs on or after the effective date of this Act. A violation that  
27 occurs before that date is governed by the law in effect on the date

1 the violation occurred, and the former law is continued in effect  
2 for that purpose.

3 SECTION 46. The changes in law made by this Act by the  
4 amendment of Sections 154.125, 154.126, and 154.130, Family Code,  
5 apply only to a suit affecting the parent-child relationship that  
6 is commenced on or after September 1, 2005. A suit affecting the  
7 parent-child relationship commenced before that date is governed by  
8 the law in effect on the date the suit was filed, and the former law  
9 is continued in effect for that purpose.

10 SECTION 47. This Act takes effect September 1, 2005.