

By: Dutton, Goodman

H.B. No. 1449

Substitute the following for H.B. No. 1449:

By: Goodman

C.S.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 an accredited secondary school and
11 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 (3) is signed by the party's attorney, if any, who is
2 present at the time the agreement is signed.

3 (e) If a written ~~[mediated]~~ settlement agreement meets the
4 requirements of Subsection (d), a party is entitled to judgment on
5 the ~~[mediated]~~ settlement agreement notwithstanding Rule 11, Texas
6 Rules of Civil Procedure, or another rule of law.

7 SECTION 6. Section 155.301(c), Family Code, is amended to
8 read as follows:

9 (c) Except as otherwise provided by this subsection, if ~~[If]~~
10 a transfer of continuing, exclusive jurisdiction is sought under
11 this section, the procedures for determining and effecting a
12 transfer of proceedings provided by this chapter apply. If the
13 parties submit to the court an agreed order for transfer, the court
14 shall sign the order without the need for other pleadings.

15 SECTION 7. Section 156.401(b), Family Code, is amended to
16 read as follows:

17 (b) A support order may be modified with regard to the
18 amount of support ordered only as to obligations accruing after the
19 earlier of:

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

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

22 SECTION 8. Section 156.409, Family Code, is amended by
23 amending Subsection (a) and adding Subsection (a-1) to read as
24 follows:

25 (a) The ~~[If the sole managing conservator of a child or the~~
26 ~~joint managing conservator who has the exclusive right to determine~~
27 ~~the primary residence of the child has voluntarily relinquished the~~

1 ~~primary care and possession of the child to another person for at~~
2 ~~least six months, the]~~ court may modify an order providing for the
3 support of a [the] child to provide that the ~~[other]~~ person having
4 physical possession of the child, including a conservator or
5 governmental entity, shall have the right to receive and give
6 receipt for payments of support for the child and to hold or
7 disburse money for the benefit of the child if the sole managing
8 conservator of the child or the joint managing conservator who has
9 the exclusive right to determine the primary residence of the child
10 has:

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

13 (2) been incarcerated or sentenced to be incarcerated
14 for at least 30 days; or

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

17 (a-1) If the court modifies a support order under this
18 section, the court shall order the obligor to pay the person or
19 entity having physical possession of the child any unpaid child
20 support that is not subject to offset or reimbursement under
21 Section 157.008 and that accrues after the date the sole or joint
22 managing conservator:

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

25 (2) is incarcerated.

26 SECTION 9. Section 157.005(a), Family Code, is amended to
27 read as follows:

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

5 (1) the child becomes an adult; or

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

8 SECTION 10. Section 157.065(a), Family Code, is amended to
9 read as follows:

10 (a) If a party has been ordered under Chapter 105 to provide
11 the court and the state case registry with the party's current
12 mailing address, notice of a hearing on a motion for enforcement may
13 be served by mailing a copy of the notice to the respondent,
14 together with a copy of the motion, by first class mail to the last
15 mailing address of the respondent on file with the court and the
16 registry.

17 SECTION 11. Sections 157.105(a) and (c), Family Code, are
18 amended to read as follows:

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

26 (c) If the court is not satisfied that the respondent's
27 appearance in court can be assured and the respondent remains in

1 custody, a hearing on the alleged contempt shall be held as soon as
2 practicable, but not later than the seventh [~~fifth~~] day after the
3 date that the respondent was taken into custody, unless the
4 respondent and the respondent's attorney waive the accelerated
5 hearing.

6 SECTION 12. Section 157.211, Family Code, is amended to
7 read as follows:

8 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the
9 court places the respondent on community supervision [~~and suspends~~
10 ~~commitment~~], the terms and conditions of community supervision may
11 include the requirement that the respondent:

12 (1) report to the community supervision officer as
13 directed;

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

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

20 (4) pay required child support and any child support
21 arrearages;

22 (5) pay court costs and attorney's fees ordered by the
23 court;

24 (6) seek employment assistance services offered by the
25 Texas Workforce Commission under Section 302.0035, Labor Code, if
26 appropriate; [~~and~~]

27 (7) participate in mediation or other services to

1 alleviate conditions that prevent the respondent from obeying the
2 court's order; and

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

7 SECTION 13. Section 157.212, Family Code, is amended to
8 read as follows:

9 Sec. 157.212. TERM OF COMMUNITY SUPERVISION. The initial
10 period of community supervision [~~period~~] may not exceed 10 years.
11 The court may continue the community supervision until the earlier
12 of:

13 (1) the expiration of an additional two-year period
14 beyond the 10 years; or

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

17 SECTION 14. Sections 157.216(a) and (b), Family Code, are
18 amended to read as follows:

19 (a) The court shall hold a hearing without a jury not later
20 than [~~on or before~~] the third [~~first~~] working day after the date the
21 respondent is arrested under Section 157.215. If the court is
22 unavailable for a hearing on that date, the hearing shall be held
23 not later than the third [~~first~~] working day after the date the
24 court becomes available.

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

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

3 (c) If the amount of arrearages confirmed by the court
4 reflects a credit to the obligor for support arrearages collected
5 from a federal tax refund under 42 U.S.C. Section 664, ~~[as amended,~~
6 and, subsequently, the amount of that credit is reduced because the
7 refund was adjusted because of an injured spouse claim by a jointly
8 filing spouse, the tax return was amended, or the return was audited
9 by the Internal Revenue Service, or for another reason permitted by
10 law ~~[based on a joint return under which another person was entitled~~
11 ~~to a share of the refund under 42 U.S.C. Section 664, as amended],~~
12 the court shall render a new cumulative judgment to include as
13 arrearages an amount equal to the amount by which the credit was
14 reduced.

15 SECTION 16. Section 157.264(b), Family Code, is amended to
16 read as follows:

17 (b) The court shall ~~[may]~~ render an order requiring~~[-~~
18 ~~[(1) that income be withheld from the disposable~~
19 ~~earnings of the obligor in an amount sufficient to discharge the~~
20 ~~judgment in not more than two years, or~~
21 ~~[(2) if the obligor is not subject to income~~
22 ~~withholding,~~] that the obligor make periodic payments on the
23 judgment, including by income withholding under Chapter 158 if the
24 obligor is subject to income withholding ~~[to the obligee in an~~
25 ~~amount sufficient to discharge the judgment within a reasonable~~
26 ~~time].~~

27 SECTION 17. Section 157.269, Family Code, is amended to

1 read as follows:

2 Sec. 157.269. RETENTION OF JURISDICTION. A court that
3 renders an order providing for the payment of child support
4 [~~arreages~~] retains continuing jurisdiction to enforce the order,
5 including by adjusting the amount of the periodic payments to be
6 made by the obligor or the amount to be withheld from the obligor's
7 disposable earnings, until all current support and medical support
8 and child support arreages, including interest and any applicable
9 fees and costs, have been paid.

10 SECTION 18. Sections 157.313(a), (c), and (e), Family Code,
11 are amended to read as follows:

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

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

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

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

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

25 (5) the amount of the current or prospective child
26 support obligation, the frequency with which current or prospective
27 child support is ordered to be paid, and the amount of child support

1 arrearages owed by the obligor and the date of the signing of the
2 court order, administrative order, or writ that determined the
3 arrearages or the date and manner in which the arrearages were
4 determined;

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

8 (7) the name and address of the person or agency
9 asserting the lien;

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

12 (9) a statement that the lien attaches to all
13 nonexempt real and personal property of the obligor that is located
14 or recorded in the state, including any property specifically
15 identified in the notice and any property acquired after the date of
16 filing or delivery of the notice;

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

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

24 (c) Except as provided by Subsection (e), the ~~The~~ lien
25 notice must be verified.

26 (e) A notice of a lien for child support under this section
27 may be in the form authorized by federal law or regulation. The

1 federal form of lien notice does not require verification when used
2 by the Title IV-D agency.

3 SECTION 19. Section 157.317(a-1), Family Code, is amended
4 to read as follows:

5 (a-1) A lien attaches to all property owned on or acquired
6 after the date the lien notice or abstract of judgment is filed with
7 the county clerk of the county in which the property is located,
8 with the court clerk as to property or claims in litigation, or, as
9 to property of the obligor in the possession or control of a third
10 party, from the date the lien notice is delivered to [~~filed with~~]
11 that party.

12 SECTION 20. Subchapter C, Chapter 158, Family Code, is
13 amended by adding Section 158.214 to read as follows:

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

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

23 (c) The total amount that may be withheld under this section
24 is subject to the maximum amount allowed to be withheld under
25 Section 158.009.

26 SECTION 21. Section 159.102(23), Family Code, is amended to
27 read as follows:

1 (23) "Support order" means a judgment, decree, ~~[or]~~
2 order, or directive, whether temporary, final, or subject to
3 modification, issued by a tribunal for the benefit of a child, a
4 spouse, or a former spouse that provides for monetary support,
5 health care, arrearages, or reimbursement and may include related
6 costs and fees, interest, income withholding, attorney's fees, and
7 other relief.

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

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

12 SECTION 23. Section 161.206, Family Code, is amended by
13 adding Subsection (d) to read as follows:

14 (d) An order rendered under this section must include a
15 finding that:

16 (1) a request for identification of a court of
17 continuing, exclusive jurisdiction has been made as required by
18 Section 155.101; and

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

21 SECTION 24. Section 201.104(d), Family Code, is amended to
22 read as follows:

23 (d) An associate judge ~~[Only the referring court]~~ may hear
24 and render an order on a motion for postjudgment relief, including a
25 motion for a new trial or to vacate, correct, or reform a judgment
26 rendered by the associate judge. An associate judge may not grant
27 postjudgment relief under Rule 306a, 316, or 329, Texas Rules of

1 Civil Procedure, that alters or affects any judicial action taken
2 by the referring court on the associate judge's recommendation.

3 SECTION 25. Section 201.113, Family Code, is amended by
4 adding Subsection (d) to read as follows:

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

7 SECTION 26. Section 201.208, Family Code, is amended by
8 adding Subsection (e) to read as follows:

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

11 SECTION 27. Section 231.202, Family Code, is amended to
12 read as follows:

13 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
14 CASES. In a Title IV-D case filed under this title, including a
15 case filed under Chapter 159, the Title IV-D agency shall pay:

16 (1) filing fees and fees for issuance and service of
17 process as provided by Chapter 110 of this code and by Sections
18 51.317, 51.318(b)(2), and 51.319(2), Government Code;

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

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

22 (4) the fee that sheriffs and constables are
23 authorized to charge for serving process under Section 118.131,
24 Local Government Code, for each item of process to each individual
25 on whom service is required, including service by certified or
26 registered mail, to be paid to a sheriff, constable, or clerk
27 whenever service of process is required; ~~and~~

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

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

5 SECTION 28. Sections 232.001(1)-(3), Family Code, are
6 amended to read as follows:

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

9 (A) is issued by a licensing authority;

10 (B) is subject before expiration to renewal,
11 suspension, revocation, forfeiture, or termination by a [~~the~~
12 ~~issuing~~] licensing authority; and

13 (C) a person must obtain to:

14 (i) practice or engage in a particular
15 business, occupation, or profession;

16 (ii) operate a motor vehicle on a public
17 highway in this state; or

18 (iii) engage in any other regulated
19 activity, including hunting, fishing, or other recreational
20 activity for which a license or permit is required.

21 (2) "Licensing authority" means a department,
22 commission, board, office, or other agency of the state or a
23 political subdivision of the state that issues or renews a license
24 or that otherwise has authority to suspend or refuse to renew a
25 license.

26 (3) "Order suspending license" means an order issued
27 by the Title IV-D agency or a court directing a licensing authority

1 to suspend or refuse to renew a license.

2 SECTION 29. Section 232.002, Family Code, is amended to
3 read as follows:

4 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.
5 Unless otherwise restricted or exempted, all [~~The following are~~]
6 licensing authorities are subject to this chapter[~~+~~

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

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

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

10 [~~(4) Texas Appraiser Licensing and Certification~~
11 ~~Board,~~

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

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

14 [~~(7) Texas Board of Chiropractic Examiners,~~

15 [~~(8) Comptroller of Public Accounts,~~

16 [~~(9) Texas Cosmetology Commission,~~

17 [~~(10) Court Reporters Certification Board,~~

18 [~~(11) State Board of Dental Examiners,~~

19 [~~(12) Texas State Board of Examiners of Dietitians,~~

20 [~~(13) Texas Funeral Service Commission,~~

21 [~~(14) Texas Department of Health,~~

22 [~~(15) Texas Department of Human Services,~~

23 [~~(16) Texas Board of Professional Land Surveying,~~

24 [~~(17) Texas Department of Licensing and Regulation,~~

25 [~~(18) Texas State Board of Examiners of Marriage and~~
26 ~~Family Therapists,~~

27 [~~(19) Texas State Board of Medical Examiners,~~

- 1 ~~[(20) Midwifery Board,~~
- 2 ~~[(21) Texas Commission on Environmental Quality,~~
- 3 ~~[(22) Board of Nurse Examiners,~~
- 4 ~~[(23) Texas Board of Occupational Therapy Examiners,~~
- 5 ~~[(24) Texas Optometry Board,~~
- 6 ~~[(25) Parks and Wildlife Department,~~
- 7 ~~[(26) Texas State Board of Examiners of Perfusionists,~~
- 8 ~~[(27) Texas State Board of Pharmacy,~~
- 9 ~~[(28) Texas Board of Physical Therapy Examiners,~~
- 10 ~~[(29) Texas State Board of Plumbing Examiners,~~
- 11 ~~[(30) Texas State Board of Podiatric Medical~~
- 12 ~~Examiners,~~
- 13 ~~[(31) Polygraph Examiners Board,~~
- 14 ~~[(32) Texas Commission on Private Security,~~
- 15 ~~[(33) Texas State Board of Examiners of Professional~~
- 16 ~~Counselors,~~
- 17 ~~[(34) Texas Board of Professional Engineers,~~
- 18 ~~[(35) Department of Protective and Regulatory~~
- 19 ~~Services,~~
- 20 ~~[(36) Texas State Board of Examiners of Psychologists,~~
- 21 ~~[(37) Texas State Board of Public Accountancy,~~
- 22 ~~[(38) Department of Public Safety of the State of~~
- 23 ~~Texas,~~
- 24 ~~[(39) Public Utility Commission of Texas,~~
- 25 ~~[(40) Railroad Commission of Texas,~~
- 26 ~~[(41) Texas Real Estate Commission,~~
- 27 ~~[(42) State Bar of Texas,~~

1 ~~[(43) Texas State Board of Social Worker Examiners,~~
2 ~~[(44) State Board of Examiners for Speech-Language~~
3 ~~Pathology and Audiology,~~
4 ~~[(45) Texas Structural Pest Control Board,~~
5 ~~[(46) Board of Tax Professional Examiners,~~
6 ~~[(47) Secretary of State,~~
7 ~~[(48) Supreme Court of Texas,~~
8 ~~[(49) Texas Transportation Commission,~~
9 ~~[(50) State Board of Veterinary Medical Examiners,~~
10 ~~[(51) Texas Ethics Commission,~~
11 ~~[(52) Advisory Board of Athletic Trainers,~~
12 ~~[(53) State Committee of Examiners in the Fitting and~~
13 ~~Dispensing of Hearing Instruments,~~
14 ~~[(54) Texas Board of Licensure for Professional~~
15 ~~Medical Physicists,~~
16 ~~[(55) Texas Department of Insurance,~~
17 ~~[(56) Texas Board of Orthotics and Prosthetics,~~
18 ~~[(57) savings and loan commissioner,~~
19 ~~[(58) Texas Juvenile Probation Commission, and~~
20 ~~[(59) Texas Lottery Commission under Chapter 466,~~
21 ~~Government Code].~~

22 SECTION 30. Chapter 232, Family Code, is amended by adding
23 Section 232.0022 to read as follows:

24 Sec. 232.0022. SUSPENSION OF MOTOR VEHICLE REGISTRATION.
25 The Texas Department of Transportation is the appropriate licensing
26 authority for suspension of a motor vehicle registration under this
27 chapter. The general registration provisions of Chapter 502,

1 Transportation Code, do not apply to the suspension or denial of a
2 renewal of a motor vehicle registration under this chapter.

3 SECTION 31. Section 232.004(a), Family Code, is amended to
4 read as follows:

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

9 SECTION 32. Sections 232.006(b) and (c), Family Code, are
10 amended to read as follows:

11 (b) Notice under this section may be served:

12 (1) if the party has been ordered under Chapter 105 to
13 provide the court and registry with the party's current mailing
14 address, by mailing a copy of the notice to the respondent, together
15 with a copy of the petition, by first class mail to the last mailing
16 address of the respondent on file with the court and the state case
17 registry; or

18 (2) as in civil cases generally.

19 (c) The notice must contain the following prominently
20 displayed statement in boldfaced type, capital letters, or
21 underlined:

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

1 SECTION 33. Chapter 232, Family Code, is amended by adding
2 Section 232.0135 to read as follows:

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

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

11 (1) paid all child support arrearages;

12 (2) established with the Title IV-D agency a
13 satisfactory repayment schedule or is in compliance with a court
14 order for payment of the arrearages;

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

18 (4) successfully contested the denial of renewal of
19 license under Subsection (d).

20 (c) On providing a licensing authority with the information
21 described by Subsection (a), the Title IV-D agency shall
22 immediately notify the obligor by first class mail that the
23 information has been provided and of the steps the obligor must take
24 to prevent the denial by the authority of an application for license
25 renewal or to permit the authority to accept the obligor's
26 application for renewal.

27 (d) An obligor receiving notice under Subsection (c) may

1 request a review by the Title IV-D agency to resolve any issue in
2 dispute regarding the identity of the obligor or the existence or
3 amount of child support arrearages. The Title IV-D agency shall
4 provide an opportunity for a review, either by telephone or in
5 person, as appropriate to the circumstances. After the review, if
6 appropriate, the Title IV-D agency may notify the licensing
7 authority that it may accept the obligor's application for renewal
8 of license. If the Title IV-D agency and the obligor fail to
9 resolve any issue in dispute, the obligor, not later than the 30th
10 day after the date of receiving notice of the Title IV-D agency's
11 determination from the review, may file a motion with the court to
12 direct the licensing authority to accept the obligor's application
13 for renewal of license and request a hearing on the motion. The
14 obligor's application for license renewal may not be accepted by
15 the licensing authority until the court rules on the motion.

16 (e) If an obligor enters into a repayment agreement with the
17 Title IV-D agency under this section, the Title IV-D agency may
18 incorporate the agreement in an order to be filed with and confirmed
19 by the court in the manner provided for agreed orders under Chapter
20 233.

21 SECTION 34. Section 232.014, Family Code, is amended to
22 read as follows:

23 Sec. 232.014. FEE BY LICENSING AUTHORITY. A licensing
24 authority may charge a fee to an individual who is the subject of an
25 order suspending license or of an action by the Title IV-D agency to
26 deny renewal of license in an amount sufficient to recover the
27 administrative costs incurred by the authority under this chapter.

1 The amount charged may not exceed the actual costs incurred.

2 SECTION 35. Section 234.001(c), Family Code, is amended to
3 read as follows:

4 (c) The state disbursement unit shall:

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

8 (2) forward child support payments as authorized by
9 law;

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

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

16 (A) the cause number of the suit under which
17 withholding is required;

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

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

21 (D) the date the disbursement unit received the
22 payment;

23 (E) the amount of the payment; and

24 (F) the instrument identification information.

25 SECTION 36. Section 234.006, Family Code, is amended to
26 read as follows:

27 Sec. 234.006. RULEMAKING [~~EFFECTIVE DATE AND PROCEDURES~~].

1 The Title IV-D agency [~~, in cooperation with the work group~~
2 ~~established under Section 234.003,~~] may adopt rules in compliance
3 with federal law for the operation of the state case registry and
4 the state disbursement unit.

5 SECTION 37. Subchapter B, Chapter 234, Family Code, is
6 amended by adding Section 234.105 to read as follows:

7 Sec. 234.105. CIVIL PENALTY. (a) In addition to any other
8 remedy provided by law, an employer who knowingly violates a
9 procedure adopted under Section 234.104 for reporting employee
10 information may be liable for a civil penalty as permitted by
11 Section 453A(d) of the federal Social Security Act (42 U.S.C.
12 Section 653a).

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

14 (1) \$25 for each occurrence in which an employer fails
15 to report an employee; or

16 (2) \$500 for each occurrence in which the conduct
17 described by Subdivision (1) is the result of a conspiracy between
18 the employer and an employee to not supply a required report or to
19 submit a false or incomplete report.

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

23 SECTION 38. Section 804.001, Government Code, is amended by
24 amending Subdivisions (1) and (2) and adding Subdivision (1-a) to
25 read as follows:

26 (1) "Alternate payee" means a spouse, former spouse,
27 child support obligee, child, or other dependent of a member or

1 retiree who is recognized by a domestic relations order as having a
2 right to receive all or a portion of the benefits payable by a
3 public retirement system with respect to such member or retiree.

4 (1-a) "Child support obligee" has the meaning assigned
5 to "obligee" by Section 101.021, Family Code.

6 (2) "Domestic relations order" means any judgment,
7 decree, or order, including approval of a property settlement
8 agreement, which relates to the provision of child support, alimony
9 payments, or marital property rights to a spouse, former spouse,
10 child support obligee, child, or other dependent of a member or
11 retiree, and is made pursuant to a domestic relations law,
12 including a community property law of the State of Texas or of
13 another state.

14 SECTION 39. Sections 207.093(a) and (d), Labor Code, are
15 amended to read as follows:

16 (a) The commission shall withhold from the benefits payable
17 to an individual that owes a child support obligation an amount
18 equal to:

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

21 (2) if Subdivision (1) does not apply, the amount
22 determined under an agreement submitted to the commission under
23 Section 454(19)(B)(i) [~~454(20)(B)(i)~~] of the Social Security Act
24 (42 U.S.C. Section 654) by the state or local child support
25 enforcement agency; or

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

1 (d) In this section, "legal process" has the meaning
2 assigned by Section 459(i)(5) [~~462(e)~~] of the Social Security Act
3 (42 U.S.C. Section 659 [~~662~~]).

4 SECTION 40. Section 501.002(9), Transportation Code, is
5 amended to read as follows:

6 (9) "Lien" means:

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

9 (B) a security interest, as defined by Section
10 1.201, Business & Commerce Code, in a motor vehicle, other than an
11 absolute title, created by any written security agreement, as
12 defined by Section 9.102, Business & Commerce Code, including a
13 lease, conditional sales contract, deed of trust, chattel mortgage,
14 trust receipt, or reservation of title; or

15 (C) a child support lien under Chapter 157,
16 Family Code.

17 SECTION 41. Section 201.104(e), Family Code, is repealed.

18 SECTION 42. (a) The change in law made by this Act relating
19 to a court order establishing paternity or the obligation to pay
20 child support applies only to a suit affecting the parent-child
21 relationship filed on or after the effective date of this Act. A
22 suit affecting the parent-child relationship filed before the
23 effective date of this Act is governed by the law in effect on the
24 date the suit was filed, and the former law is continued in effect
25 for that purpose.

26 (b) The change in law made by this Act relating to the
27 modification or enforcement of a child support order rendered

1 before the effective date of this Act applies only to a proceeding
2 for modification or enforcement that is commenced on or after the
3 effective date of this Act. A proceeding for modification or
4 enforcement that is commenced before the effective date of this Act
5 is governed by the law in effect on the date the proceeding was
6 commenced, and the former law is continued in effect for that
7 purpose.

8 (c) The change in law made by this Act by the enactment of
9 Section 234.105, Family Code, applies only to a violation that
10 occurs on or after the effective date of this Act. A violation that
11 occurs before that date is governed by the law in effect on the date
12 the violation occurred, and the former law is continued in effect
13 for that purpose.

14 SECTION 43. This Act takes effect September 1, 2005.