

1-1 By: Dutton, Goodman (Senate Sponsor - Harris) H.B. No. 1449
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 20, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1449 By: Harris

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to suits affecting the parent-child relationship,
1-11 including proceedings for the establishment, modification, and
1-12 enforcement of child support; providing a civil penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 101, Family Code, is amended by adding
1-15 Section 101.0255 to read as follows:

1-16 Sec. 101.0255. RECORD. "Record" means information that
1-17 is:

1-18 (1) inscribed on a tangible medium or stored in an
1-19 electronic or other medium; and

1-20 (2) retrievable in a perceivable form.

1-21 SECTION 2. Section 102.009(d), Family Code, is amended to
1-22 read as follows:

1-23 (d) If the petition requests the establishment,
1-24 termination, modification, or enforcement of a support right
1-25 assigned to the Title IV-D agency under Chapter 231 or the
1-26 rescission of a voluntary acknowledgment of paternity under Chapter
1-27 160, notice shall be given to the Title IV-D agency in a manner
1-28 provided by Rule 21a, Texas Rules of Civil Procedure.

1-29 SECTION 3. Section 105.008(a), Family Code, is amended to
1-30 read as follows:

1-31 (a) The clerk of the court shall provide the state case
1-32 registry with a record of a court order for child support as
1-33 required by procedures adopted by the Title IV-D agency [~~under~~
1-34 ~~Section 234.003~~]. The record of an order shall include information
1-35 provided by the parties on a form developed by the Title IV-D
1-36 agency. The form shall be completed by the petitioner and submitted
1-37 to the clerk at the time the order is filed for record.

1-38 SECTION 4. Section 151.001(b), Family Code, is amended to
1-39 read as follows:

1-40 (b) The duty of a parent to support his or her child exists
1-41 while the child is an unemancipated minor and continues as long as
1-42 the child is fully enrolled in a [an accredited] secondary school
1-43 and complies with attendance requirements described by Section
1-44 154.002(a)(2) [in a program leading toward a high school diploma
1-45 until the end of the school year in which the child graduates].

1-46 SECTION 5. Section 153.0071, Family Code, is amended by
1-47 adding Subsection (c-1), amending Subsections (d) and (e) and
1-48 adding Subsections (g) and (h) to read as follows:

1-49 (c-1) The parties may agree to conduct one or more informal
1-50 settlement conferences and may agree that the settlement
1-51 conferences may be conducted with or without the presence of the
1-52 parties' attorneys, if any.

1-53 (d) A written [mediated] settlement agreement reached at
1-54 mediation or at an informal settlement conference is binding on the
1-55 parties if the agreement:

1-56 (1) provides, in a prominently displayed statement
1-57 that is in boldfaced type or capital letters or underlined, that the
1-58 agreement is not subject to revocation;

1-59 (2) is signed by each party to the agreement; and

1-60 (3) is signed by the party's attorney, if any, who is
1-61 present at the time the agreement is signed.

1-62 (e) If a written [mediated] settlement agreement meets the
1-63 requirements of Subsection (d), a party is entitled to judgment on

2-1 the [~~mediated~~] settlement agreement notwithstanding Rule 11, Texas
2-2 Rules of Civil Procedure, or another rule of law.

2-3 (g) If the court finds that the terms of the written
2-4 settlement agreement conducted under Subsection (c-1) are in the
2-5 best interests of the child, those terms are binding on the court.
2-6 If the court approves the agreement, the court may set forth the
2-7 agreement in full or incorporate the agreement by reference in the
2-8 final order.

2-9 (h) If the court finds that the terms of the written
2-10 settlement agreement conducted under Subsection (c-1) are not in
2-11 the best interests of the child, the court may request the spouses
2-12 to submit a revised agreement or may set the case for a hearing.

2-13 SECTION 6. Section 154.125, Family Code, is amended to read
2-14 as follows:

2-15 Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES OF
2-16 \$7,500 [~~\$6,000~~] OR LESS. (a) The guidelines for the support of a
2-17 child in this section are specifically designed to apply to
2-18 situations in which the obligor's monthly net resources are \$7,500
2-19 [~~\$6,000~~] or less.

2-20 (b) If the obligor's monthly net resources are \$7,500
2-21 [~~\$6,000~~] or less, the court shall presumptively apply the following
2-22 schedule in rendering the child support order:

2-23 CHILD SUPPORT GUIDELINES

2-24 BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

- 2-25 1 child 20% of Obligor's Net Resources
- 2-26 2 children 25% of Obligor's Net Resources
- 2-27 3 children 30% of Obligor's Net Resources
- 2-28 4 children 35% of Obligor's Net Resources
- 2-29 5 children 40% of Obligor's Net Resources
- 2-30 6+ children Not less than the amount for 5 children

2-31 SECTION 7. Section 154.126, Family Code, is amended to read
2-32 as follows:

2-33 Sec. 154.126. APPLICATION OF GUIDELINES TO NET RESOURCES OF
2-34 MORE THAN \$7,500 [~~\$6,000~~] MONTHLY. (a) If the obligor's net
2-35 resources exceed \$7,500 [~~\$6,000~~] per month, the court shall
2-36 presumptively apply the percentage guidelines to the first \$7,500
2-37 [~~\$6,000~~] of the obligor's net resources. Without further reference
2-38 to the percentage recommended by these guidelines, the court may
2-39 order additional amounts of child support as appropriate, depending
2-40 on the income of the parties and the proven needs of the child.

2-41 (b) The proper calculation of a child support order that
2-42 exceeds the presumptive amount established for the first \$7,500
2-43 [~~\$6,000~~] of the obligor's net resources requires that the entire
2-44 amount of the presumptive award be subtracted from the proven total
2-45 needs of the child. After the presumptive award is subtracted, the
2-46 court shall allocate between the parties the responsibility to meet
2-47 the additional needs of the child according to the circumstances of
2-48 the parties. However, in no event may the obligor be required to
2-49 pay more child support than the greater of the presumptive amount or
2-50 the amount equal to 100 percent of the proven needs of the child.

2-51 SECTION 8. Section 154.130(b), Family Code, is amended to
2-52 read as follows:

2-53 (b) If findings are required by this section, the court
2-54 shall state whether the application of the guidelines would be
2-55 unjust or inappropriate and shall state the following in the child
2-56 support order:

2-57 "(1) the monthly net resources of the obligor per month
2-58 are \$_____;

2-59 "(2) the monthly net resources of the obligee per month
2-60 are \$_____;

2-61 "(3) the percentage applied to the obligor's net
2-62 resources for child support by the actual order rendered by the
2-63 court is _____%;

2-64 "(4) the amount of child support if the percentage
2-65 guidelines are applied to the first \$7,500 [~~\$6,000~~] of the
2-66 obligor's net resources is \$_____;

2-67 "(5) if applicable, the specific reasons that the
2-68 amount of child support per month ordered by the court varies from
2-69 the amount stated in Subdivision (4) are: _____; and

3-1 "(6) if applicable, the obligor is obligated to
3-2 support children in more than one household, and:

3-3 "(A) the number of children before the court is
3-4 _____;

3-5 "(B) the number of children not before the court
3-6 residing in the same household with the obligor is _____; and

3-7 "(C) the number of children not before the court
3-8 for whom the obligor is obligated by a court order to pay support,
3-9 without regard to whether the obligor is delinquent in child
3-10 support payments, and who are not counted under Paragraph (A) or (B)
3-11 is _____."

3-12 SECTION 9. Section 155.301(c), Family Code, is amended to
3-13 read as follows:

3-14 (c) Except as otherwise provided by this subsection, if [If]
3-15 a transfer of continuing, exclusive jurisdiction is sought under
3-16 this section, the procedures for determining and effecting a
3-17 transfer of proceedings provided by this chapter apply. If the
3-18 parties submit to the court an agreed order for transfer, the court
3-19 shall sign the order without the need for other pleadings.

3-20 SECTION 10. Section 156.401(b), Family Code, is amended to
3-21 read as follows:

3-22 (b) A support order may be modified with regard to the
3-23 amount of support ordered only as to obligations accruing after the
3-24 earlier of:

- 3-25 (1) the date of service of citation; or
- 3-26 (2) an appearance in the suit to modify.

3-27 SECTION 11. Section 156.409, Family Code, is amended by
3-28 amending Subsection (a) and adding Subsection (a-1) to read as
3-29 follows:

3-30 (a) The [If the sole managing conservator of a child or the
3-31 joint managing conservator who has the exclusive right to determine
3-32 the primary residence of the child has voluntarily relinquished the
3-33 primary care and possession of the child to another person for at
3-34 least six months, the] court may modify an order providing for the
3-35 support of a [the] child to provide that the [other] person having
3-36 physical possession of the child, including a conservator or
3-37 governmental entity, shall have the right to receive and give
3-38 receipt for payments of support for the child and to hold or
3-39 disburse money for the benefit of the child if the sole managing
3-40 conservator of the child or the joint managing conservator who has
3-41 the exclusive right to determine the primary residence of the child
3-42 has:

- 3-43 (1) voluntarily relinquished the primary care and
3-44 possession of the child to another person for at least six months;
- 3-45 (2) been incarcerated or sentenced to be incarcerated
3-46 for at least 30 days; or
- 3-47 (3) relinquished the primary care and possession of
3-48 the child under Chapter 262.

3-49 (a-1) If the court modifies a support order under this
3-50 section, the court shall order the obligor to pay the person or
3-51 entity having physical possession of the child any unpaid child
3-52 support that is not subject to offset or reimbursement under
3-53 Section 157.008 and that accrues after the date the sole or joint
3-54 managing conservator:

- 3-55 (1) relinquishes possession and control of the child,
3-56 whether voluntarily or under Chapter 262; or
- 3-57 (2) is incarcerated.

3-58 SECTION 12. Section 157.005(a), Family Code, is amended to
3-59 read as follows:

3-60 (a) The court retains jurisdiction to render a contempt
3-61 order for failure to comply with the child support order if the
3-62 motion for enforcement is filed not later than the second
3-63 anniversary of [sixth month after] the date:

- 3-64 (1) the child becomes an adult; or
- 3-65 (2) on which the child support obligation terminates
3-66 under the order or by operation of law.

3-67 SECTION 13. Section 157.065(a), Family Code, is amended to
3-68 read as follows:

3-69 (a) If a party has been ordered under Chapter 105 to provide

4-1 the court and the state case registry with the party's current
4-2 mailing address, notice of a hearing on a motion for enforcement may
4-3 be served by mailing a copy of the notice to the respondent,
4-4 together with a copy of the motion, by first class mail to the last
4-5 mailing address of the respondent on file with the court and the
4-6 registry.

4-7 SECTION 14. Sections 157.105(a) and (c), Family Code, are
4-8 amended to read as follows:

4-9 (a) If the respondent is taken into custody and not released
4-10 on bond, the respondent shall be brought before the court that
4-11 issued the capias on or before the third [~~first~~] working day after
4-12 the arrest. The court shall determine whether the respondent's
4-13 appearance in court at a designated time and place can be assured by
4-14 a method other than by posting the bond or security previously
4-15 established.

4-16 (c) If the court is not satisfied that the respondent's
4-17 appearance in court can be assured and the respondent remains in
4-18 custody, a hearing on the alleged contempt shall be held as soon as
4-19 practicable, but not later than the seventh [~~fifth~~] day after the
4-20 date that the respondent was taken into custody, unless the
4-21 respondent and the respondent's attorney waive the accelerated
4-22 hearing.

4-23 SECTION 15. Section 157.211, Family Code, is amended to
4-24 read as follows:

4-25 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the
4-26 court places the respondent on community supervision [~~and suspends~~
4-27 ~~commitment~~], the terms and conditions of community supervision may
4-28 include the requirement that the respondent:

4-29 (1) report to the community supervision officer as
4-30 directed;

4-31 (2) permit the community supervision officer to visit
4-32 the respondent at the respondent's home or elsewhere;

4-33 (3) obtain counseling on financial planning, budget
4-34 management, conflict resolution, parenting skills, alcohol or drug
4-35 abuse, or other matters causing the respondent to fail to obey the
4-36 order;

4-37 (4) pay required child support and any child support
4-38 arrearages;

4-39 (5) pay court costs and attorney's fees ordered by the
4-40 court;

4-41 (6) seek employment assistance services offered by the
4-42 Texas Workforce Commission under Section 302.0035, Labor Code, if
4-43 appropriate; [~~and~~]

4-44 (7) participate in mediation or other services to
4-45 alleviate conditions that prevent the respondent from obeying the
4-46 court's order; and

4-47 (8) submit to a period of confinement in a county jail
4-48 beginning at any time during the community supervision period,
4-49 except that the aggregate of all periods of confinement during the
4-50 community supervision period may not exceed 180 days.

4-51 SECTION 16. Section 157.212, Family Code, is amended to
4-52 read as follows:

4-53 Sec. 157.212. TERM OF COMMUNITY SUPERVISION. The initial
4-54 period of community supervision [~~period~~] may not exceed 10 years.
4-55 The court may continue the community supervision until the earlier
4-56 of:

4-57 (1) the expiration of an additional two-year period
4-58 beyond the 10 years; or

4-59 (2) the date on which all child support, including
4-60 arrearages and interest, has been paid.

4-61 SECTION 17. Sections 157.216(a) and (b), Family Code, are
4-62 amended to read as follows:

4-63 (a) The court shall hold a hearing without a jury not later
4-64 than [~~on or before~~] the third [~~first~~] working day after the date the
4-65 respondent is arrested under Section 157.215. If the court is
4-66 unavailable for a hearing on that date, the hearing shall be held
4-67 not later than the third [~~first~~] working day after the date the
4-68 court becomes available.

4-69 (b) The hearing under this section may not be held later

5-1 than the seventh [~~third~~] working day after the date the respondent
5-2 is arrested.

5-3 SECTION 18. Section 157.263(c), Family Code, is amended to
5-4 read as follows:

5-5 (c) If the amount of arrearages confirmed by the court
5-6 reflects a credit to the obligor for support arrearages collected
5-7 from a federal tax refund under 42 U.S.C. Section 664, [~~as amended,~~]
5-8 and, subsequently, the amount of that credit is reduced because the
5-9 refund was adjusted because of an injured spouse claim by a jointly
5-10 filing spouse, the tax return was amended, or the return was audited
5-11 by the Internal Revenue Service, or for another reason permitted by
5-12 law [~~based on a joint return under which another person was entitled~~
5-13 ~~to a share of the refund under 42 U.S.C. Section 664, as amended~~],
5-14 the court shall render a new cumulative judgment to include as
5-15 arrearages an amount equal to the amount by which the credit was
5-16 reduced.

5-17 SECTION 19. Section 157.264(b), Family Code, is amended to
5-18 read as follows:

5-19 (b) The court shall [~~may~~] render an order requiring[+
5-20 [~~(1) that income be withheld from the disposable~~
5-21 ~~earnings of the obligor in an amount sufficient to discharge the~~
5-22 ~~judgment in not more than two years; or~~
5-23 [~~(2) if the obligor is not subject to income~~
5-24 ~~withholding,~~] that the obligor make periodic payments on the
5-25 judgment, including by income withholding under Chapter 158 if the
5-26 obligor is subject to income withholding [~~to the obligee in an~~
5-27 ~~amount sufficient to discharge the judgment within a reasonable~~
5-28 ~~time~~].

5-29 SECTION 20. Section 157.269, Family Code, is amended to
5-30 read as follows:

5-31 Sec. 157.269. RETENTION OF JURISDICTION. A court that
5-32 renders an order providing for the payment of child support
5-33 [~~arrearages~~] retains continuing jurisdiction to enforce the order,
5-34 including by adjusting the amount of the periodic payments to be
5-35 made by the obligor or the amount to be withheld from the obligor's
5-36 disposable earnings, until all current support and medical support
5-37 and child support arrearages, including interest and any applicable
5-38 fees and costs, have been paid.

5-39 SECTION 21. Sections 157.313(a), (c), and (e), Family Code,
5-40 are amended to read as follows:

5-41 (a) Except as provided by Subsection (e), a child support
5-42 lien notice must contain:

5-43 (1) the name and address of the person to whom the
5-44 notice is being sent;

5-45 (2) the style, docket or cause number, and identity of
5-46 the tribunal of this or another state having continuing
5-47 jurisdiction of the child support action and, if the case is a Title
5-48 IV-D case, the case number;

5-49 (3) the full name, address, and, if known, the birth
5-50 date, driver's license number, social security number, and any
5-51 aliases of the obligor;

5-52 (4) the full name and, if known, social security
5-53 number of the obligee;

5-54 (5) the amount of the current or prospective child
5-55 support obligation, the frequency with which current or prospective
5-56 child support is ordered to be paid, and the amount of child support
5-57 arrearages owed by the obligor and the date of the signing of the
5-58 court order, administrative order, or writ that determined the
5-59 arrearages or the date and manner in which the arrearages were
5-60 determined;

5-61 (6) the rate of interest specified in the court order,
5-62 administrative order, or writ or, in the absence of a specified
5-63 interest rate, the rate provided for by law;

5-64 (7) the name and address of the person or agency
5-65 asserting the lien;

5-66 (8) the motor vehicle identification number as shown
5-67 on the obligor's title if the property is a motor vehicle;

5-68 (9) a statement that the lien attaches to all
5-69 nonexempt real and personal property of the obligor that is located

6-1 or recorded in the state, including any property specifically
 6-2 identified in the notice and any property acquired after the date of
 6-3 filing or delivery of the notice;

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

6-8 (11) a statement that the obligor is being provided a
 6-9 copy of the lien notice and that the obligor may dispute the
 6-10 arrearage amount by filing suit under Section 157.323.

6-11 (c) Except as provided by Subsection (e), the [The] lien
 6-12 notice must be verified.

6-13 (e) A notice of a lien for child support under this section
 6-14 may be in the form authorized by federal law or regulation. The
 6-15 federal form of lien notice does not require verification when used
 6-16 by the Title IV-D agency.

6-17 SECTION 22. Section 157.317(a-1), Family Code, is amended
 6-18 to read as follows:

6-19 (a-1) A lien attaches to all property owned on or acquired
 6-20 after the date the lien notice or abstract of judgment is filed with
 6-21 the county clerk of the county in which the property is located,
 6-22 with the court clerk as to property or claims in litigation, or, as
 6-23 to property of the obligor in the possession or control of a third
 6-24 party, from the date the lien notice is delivered to [filed with]
 6-25 that party.

6-26 SECTION 23. Subchapter C, Chapter 158, Family Code, is
 6-27 amended by adding Section 158.214 to read as follows:

6-28 Sec. 158.214. WITHHOLDING FROM SEVERANCE PAY. (a) In this
 6-29 section, "severance pay" means income paid on termination of
 6-30 employment in addition to the employee's usual earnings from the
 6-31 employer at the time of termination.

6-32 (b) An employer receiving an order or writ of withholding
 6-33 under this chapter shall withhold from any severance pay owed an
 6-34 obligor an amount equal to the amount the employer would have
 6-35 withheld under the order or writ if the severance pay had been paid
 6-36 as the obligor's usual earnings as a current employee.

6-37 (c) The total amount that may be withheld under this section
 6-38 is subject to the maximum amount allowed to be withheld under
 6-39 Section 158.009.

6-40 SECTION 24. Section 159.102(23), Family Code, is amended to
 6-41 read as follows:

6-42 (23) "Support order" means a judgment, decree, [~~or~~]
 6-43 order, or directive, whether temporary, final, or subject to
 6-44 modification, issued by a tribunal for the benefit of a child, a
 6-45 spouse, or a former spouse that provides for monetary support,
 6-46 health care, arrearages, or reimbursement and may include related
 6-47 costs and fees, interest, income withholding, attorney's fees, and
 6-48 other relief.

6-49 SECTION 25. Section 159.316, Family Code, is amended by
 6-50 adding Subsection (j) to read as follows:

6-51 (j) A voluntary acknowledgment of paternity, certified as a
 6-52 true copy, is admissible to establish parentage of the child.

6-53 SECTION 26. Section 161.206, Family Code, is amended by
 6-54 adding Subsection (d) to read as follows:

6-55 (d) An order rendered under this section must include a
 6-56 finding that:

6-57 (1) a request for identification of a court of
 6-58 continuing, exclusive jurisdiction has been made as required by
 6-59 Section 155.101; and

6-60 (2) all parties entitled to notice, including the
 6-61 Title IV-D agency, have been notified.

6-62 SECTION 27. Section 201.104(d), Family Code, is amended to
 6-63 read as follows:

6-64 (d) An associate judge [Only the referring court] may hear
 6-65 and render an order on a motion for postjudgment relief, including a
 6-66 motion for a new trial or to vacate, correct, or reform a judgment
 6-67 rendered by the associate judge. An associate judge may not grant
 6-68 postjudgment relief under Rule 306a, 316, or 329, Texas Rules of
 6-69 Civil Procedure, that alters or affects any judicial action taken

7-1 by the referring court on the associate judge's recommendation.

7-2 SECTION 28. Section 201.113, Family Code, is amended by
7-3 adding Subsection (d) to read as follows:

7-4 (d) Section 2252.901, Government Code, does not apply to the
7-5 appointment of a visiting associate judge under this section.

7-6 SECTION 29. Section 201.208, Family Code, is amended by
7-7 adding Subsection (e) to read as follows:

7-8 (e) Section 2252.901, Government Code, does not apply to the
7-9 appointment of a visiting associate judge under this section.

7-10 SECTION 30. Section 231.202, Family Code, is amended to
7-11 read as follows:

7-12 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
7-13 CASES. In a Title IV-D case filed under this title, including a
7-14 case filed under Chapter 159, the Title IV-D agency shall pay:

7-15 (1) filing fees and fees for issuance and service of
7-16 process as provided by Chapter 110 of this code and by Sections
7-17 51.317, 51.318(b)(2), and 51.319(2), Government Code;

7-18 (2) fees for transfer as provided by Chapter 110;

7-19 (3) fees for the issuance and delivery of orders and
7-20 writs of income withholding in the amounts provided by Chapter 110;

7-21 (4) the fee that sheriffs and constables are
7-22 authorized to charge for serving process under Section 118.131,
7-23 Local Government Code, for each item of process to each individual
7-24 on whom service is required, including service by certified or
7-25 registered mail, to be paid to a sheriff, constable, or clerk
7-26 whenever service of process is required; ~~and~~

7-27 (5) the fee for filing an administrative writ of
7-28 withholding under Section 158.503(d); and

7-29 (6) the fee for issuance of a subpoena as provided by
7-30 Section 51.318(b)(1), Government Code.

7-31 SECTION 31. Sections 232.001(1)-(3), Family Code, are
7-32 amended to read as follows:

7-33 (1) "License" means a license, certificate,
7-34 registration, permit, or other authorization that:

7-35 (A) is issued by a licensing authority;

7-36 (B) is subject before expiration to renewal,
7-37 suspension, revocation, forfeiture, or termination by a ~~the~~
7-38 ~~issuing~~ licensing authority; and

7-39 (C) a person must obtain to:

7-40 (i) practice or engage in a particular
7-41 business, occupation, or profession;

7-42 (ii) operate a motor vehicle on a public
7-43 highway in this state; or

7-44 (iii) engage in any other regulated
7-45 activity, including hunting, fishing, or other recreational
7-46 activity for which a license or permit is required.

7-47 (2) "Licensing authority" means a department,
7-48 commission, board, office, or other agency of the state or a
7-49 political subdivision of the state that issues or renews a license
7-50 or that otherwise has authority to suspend or refuse to renew a
7-51 license.

7-52 (3) "Order suspending license" means an order issued
7-53 by the Title IV-D agency or a court directing a licensing authority
7-54 to suspend or refuse to renew a license.

7-55 SECTION 32. Section 232.002, Family Code, is amended to
7-56 read as follows:

7-57 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.
7-58 Unless otherwise restricted or exempted, all ~~The following are~~
7-59 licensing authorities are subject to this chapter ~~+~~

7-60 ~~(1) Department of Agriculture;~~

7-61 ~~(2) Texas Commission on Alcohol and Drug Abuse;~~

7-62 ~~(3) Texas Alcoholic Beverage Commission;~~

7-63 ~~(4) Texas Appraiser Licensing and Certification~~
7-64 ~~Board;~~

7-65 ~~(5) Texas Board of Architectural Examiners;~~

7-66 ~~(6) State Board of Barber Examiners;~~

7-67 ~~(7) Texas Board of Chiropractic Examiners;~~

7-68 ~~(8) Comptroller of Public Accounts;~~

7-69 ~~(9) Texas Cosmetology Commission;~~

- 8-1 [~~(10) Court Reporters Certification Board,~~
- 8-2 [~~(11) State Board of Dental Examiners,~~
- 8-3 [~~(12) Texas State Board of Examiners of Dietitians,~~
- 8-4 [~~(13) Texas Funeral Service Commission,~~
- 8-5 [~~(14) Texas Department of Health,~~
- 8-6 [~~(15) Texas Department of Human Services,~~
- 8-7 [~~(16) Texas Board of Professional Land Surveying,~~
- 8-8 [~~(17) Texas Department of Licensing and Regulation,~~
- 8-9 [~~(18) Texas State Board of Examiners of Marriage and~~
- 8-10 ~~Family Therapists,~~
- 8-11 [~~(19) Texas State Board of Medical Examiners,~~
- 8-12 [~~(20) Midwifery Board,~~
- 8-13 [~~(21) Texas Commission on Environmental Quality,~~
- 8-14 [~~(22) Board of Nurse Examiners,~~
- 8-15 [~~(23) Texas Board of Occupational Therapy Examiners,~~
- 8-16 [~~(24) Texas Optometry Board,~~
- 8-17 [~~(25) Parks and Wildlife Department,~~
- 8-18 [~~(26) Texas State Board of Examiners of Perfusionists,~~
- 8-19 [~~(27) Texas State Board of Pharmacy,~~
- 8-20 [~~(28) Texas Board of Physical Therapy Examiners,~~
- 8-21 [~~(29) Texas State Board of Plumbing Examiners,~~
- 8-22 [~~(30) Texas State Board of Podiatric Medical~~
- 8-23 ~~Examiners,~~
- 8-24 [~~(31) Polygraph Examiners Board,~~
- 8-25 [~~(32) Texas Commission on Private Security,~~
- 8-26 [~~(33) Texas State Board of Examiners of Professional~~
- 8-27 ~~Counselors,~~
- 8-28 [~~(34) Texas Board of Professional Engineers,~~
- 8-29 [~~(35) Department of Protective and Regulatory~~
- 8-30 ~~Services,~~
- 8-31 [~~(36) Texas State Board of Examiners of Psychologists,~~
- 8-32 [~~(37) Texas State Board of Public Accountancy,~~
- 8-33 [~~(38) Department of Public Safety of the State of~~
- 8-34 ~~Texas,~~
- 8-35 [~~(39) Public Utility Commission of Texas,~~
- 8-36 [~~(40) Railroad Commission of Texas,~~
- 8-37 [~~(41) Texas Real Estate Commission,~~
- 8-38 [~~(42) State Bar of Texas,~~
- 8-39 [~~(43) Texas State Board of Social Worker Examiners,~~
- 8-40 [~~(44) State Board of Examiners for Speech-Language~~
- 8-41 ~~Pathology and Audiology,~~
- 8-42 [~~(45) Texas Structural Pest Control Board,~~
- 8-43 [~~(46) Board of Tax Professional Examiners,~~
- 8-44 [~~(47) Secretary of State,~~
- 8-45 [~~(48) Supreme Court of Texas,~~
- 8-46 [~~(49) Texas Transportation Commission,~~
- 8-47 [~~(50) State Board of Veterinary Medical Examiners,~~
- 8-48 [~~(51) Texas Ethics Commission,~~
- 8-49 [~~(52) Advisory Board of Athletic Trainers,~~
- 8-50 [~~(53) State Committee of Examiners in the Fitting and~~
- 8-51 ~~Dispensing of Hearing Instruments,~~
- 8-52 [~~(54) Texas Board of Licensure for Professional~~
- 8-53 ~~Medical Physicists,~~
- 8-54 [~~(55) Texas Department of Insurance,~~
- 8-55 [~~(56) Texas Board of Orthotics and Prosthetics,~~
- 8-56 [~~(57) savings and loan commissioner,~~
- 8-57 [~~(58) Texas Juvenile Probation Commission, and~~
- 8-58 [~~(59) Texas Lottery Commission under Chapter 466,~~
- 8-59 ~~Government Code].~~

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

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

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

9-1 (a) A child support agency or obligee may file a petition to
9-2 suspend, as provided by this chapter, a license of an obligor who
9-3 has an arrearage equal to or greater than the total support due for
9-4 three months [90 days] under a support order.

9-5 SECTION 35. Sections 232.006(b) and (c), Family Code, are
9-6 amended to read as follows:

9-7 (b) Notice under this section may be served:

9-8 (1) if the party has been ordered under Chapter 105 to
9-9 provide the court and registry with the party's current mailing
9-10 address, by mailing a copy of the notice to the respondent, together
9-11 with a copy of the petition, by first class mail to the last mailing
9-12 address of the respondent on file with the court and the state case
9-13 registry; or

9-14 (2) as in civil cases generally.

9-15 (c) The notice must contain the following prominently
9-16 displayed statement in boldfaced type, capital letters, or
9-17 underlined:

9-18 "AN ACTION TO SUSPEND ONE OR MORE LICENSES ISSUED TO YOU HAS
9-19 BEEN FILED AS PROVIDED BY CHAPTER 232, TEXAS FAMILY CODE. YOU MAY
9-20 EMPLOY AN ATTORNEY TO REPRESENT YOU IN THIS ACTION. IF YOU OR YOUR
9-21 ATTORNEY DO NOT REQUEST A HEARING BEFORE THE 21ST DAY AFTER THE DATE
9-22 OF SERVICE OF THIS NOTICE, AN ORDER SUSPENDING YOUR [OF] LICENSE
9-23 [SUSPENSION] MAY BE RENDERED."

9-24 SECTION 36. Chapter 232, Family Code, is amended by adding
9-25 Section 232.0135 to read as follows:

9-26 Sec. 232.0135. DENIAL OF LICENSE RENEWAL. (a) The Title
9-27 IV-D agency may provide a licensing authority with information
9-28 concerning an obligor who has failed to pay child support for six
9-29 months or more.

9-30 (b) A licensing authority that receives the information
9-31 described by Subsection (a) shall refuse to accept an application
9-32 for renewal of the license of the obligor until the authority is
9-33 notified by the Title IV-D agency that the obligor has:

9-34 (1) paid all child support arrearages;

9-35 (2) established with the Title IV-D agency a
9-36 satisfactory repayment schedule or is in compliance with a court
9-37 order for payment of the arrearages;

9-38 (3) been granted an exemption from this subsection as
9-39 part of a court-supervised plan to improve the obligor's earnings
9-40 and child support payments; or

9-41 (4) successfully contested the denial of renewal of
9-42 license under Subsection (d).

9-43 (c) On providing a licensing authority with the information
9-44 described by Subsection (a), the Title IV-D agency shall
9-45 immediately notify the obligor by first class mail that the
9-46 information has been provided and of the steps the obligor must take
9-47 to prevent the denial by the authority of an application for license
9-48 renewal or to permit the authority to accept the obligor's
9-49 application for renewal.

9-50 (d) An obligor receiving notice under Subsection (c) may
9-51 request a review by the Title IV-D agency to resolve any issue in
9-52 dispute regarding the identity of the obligor or the existence or
9-53 amount of child support arrearages. The Title IV-D agency shall
9-54 provide an opportunity for a review, either by telephone or in
9-55 person, as appropriate to the circumstances. After the review, if
9-56 appropriate, the Title IV-D agency may notify the licensing
9-57 authority that it may accept the obligor's application for renewal
9-58 of license. If the Title IV-D agency and the obligor fail to
9-59 resolve any issue in dispute, the obligor, not later than the 30th
9-60 day after the date of receiving notice of the Title IV-D agency's
9-61 determination from the review, may file a motion with the court to
9-62 direct the licensing authority to accept the obligor's application
9-63 for renewal of license and request a hearing on the motion. The
9-64 obligor's application for license renewal may not be accepted by
9-65 the licensing authority until the court rules on the motion.

9-66 (e) If an obligor enters into a repayment agreement with the
9-67 Title IV-D agency under this section, the Title IV-D agency may
9-68 incorporate the agreement in an order to be filed with and confirmed
9-69 by the court in the manner provided for agreed orders under Chapter

10-1 233.

10-2 (f) In this section, "licensing authority" does not include
 10-3 the State Securities Board.

10-4 SECTION 37. Section 232.014, Family Code, is amended to
 10-5 read as follows:

10-6 Sec. 232.014. FEE BY LICENSING AUTHORITY. A licensing
 10-7 authority may charge a fee to an individual who is the subject of an
 10-8 order suspending license or of an action by the Title IV-D agency to
 10-9 deny renewal of license in an amount sufficient to recover the
 10-10 administrative costs incurred by the authority under this chapter.
 10-11 The amount charged may not exceed the actual costs incurred.

10-12 SECTION 38. Section 234.001(c), Family Code, is amended to
 10-13 read as follows:

10-14 (c) The state disbursement unit shall:

10-15 (1) receive, maintain, and furnish records of child
 10-16 support payments in Title IV-D cases and other cases as authorized
 10-17 by law;

10-18 (2) forward child support payments as authorized by
 10-19 law;

10-20 (3) maintain records of child support payments
 10-21 [payment records] made through the state disbursement unit; and

10-22 (4) make available to a local registry each day in a
 10-23 manner determined by the Title IV-D agency ~~[with the assistance of~~
 10-24 ~~the work group established under Section 234.003]~~ the following
 10-25 information:

10-26 (A) the cause number of the suit under which
 10-27 withholding is required;

10-28 (B) the payor's name and social security number;

10-29 (C) the payee's name and, if available, social
 10-30 security number;

10-31 (D) the date the disbursement unit received the
 10-32 payment;

10-33 (E) the amount of the payment; and

10-34 (F) the instrument identification information.

10-35 SECTION 39. Section 234.006, Family Code, is amended to
 10-36 read as follows:

10-37 Sec. 234.006. RULEMAKING [EFFECTIVE DATE AND PROCEDURES].
 10-38 The Title IV-D agency ~~[, in cooperation with the work group~~
 10-39 ~~established under Section 234.003,]~~ may adopt rules in compliance
 10-40 with federal law for the operation of the state case registry and
 10-41 the state disbursement unit.

10-42 SECTION 40. Subchapter B, Chapter 234, Family Code, is
 10-43 amended by adding Section 234.105 to read as follows:

10-44 Sec. 234.105. CIVIL PENALTY. (a) In addition to any other
 10-45 remedy provided by law, an employer who knowingly violates a
 10-46 procedure adopted under Section 234.104 for reporting employee
 10-47 information may be liable for a civil penalty as permitted by
 10-48 Section 453A(d) of the federal Social Security Act (42 U.S.C.
 10-49 Section 653a).

10-50 (b) The amount of the civil penalty may not exceed:

10-51 (1) \$25 for each occurrence in which an employer fails
 10-52 to report an employee; or

10-53 (2) \$500 for each occurrence in which the conduct
 10-54 described by Subdivision (1) is the result of a conspiracy between
 10-55 the employer and an employee to not supply a required report or to
 10-56 submit a false or incomplete report.

10-57 (c) The attorney general may sue to collect the civil
 10-58 penalty. A penalty collected under this section shall be deposited
 10-59 in a special fund in the state treasury.

10-60 SECTION 41. Section 804.001, Government Code, is amended by
 10-61 amending Subdivisions (1) and (2) and adding Subdivision (1-a) to
 10-62 read as follows:

10-63 (1) "Alternate payee" means a spouse, former spouse,
 10-64 child support obligee, child, or other dependent of a member or
 10-65 retiree who is recognized by a domestic relations order as having a
 10-66 right to receive all or a portion of the benefits payable by a
 10-67 public retirement system with respect to such member or retiree.

10-68 (1-a) "Child support obligee" has the meaning assigned
 10-69 to "obligee" by Section 101.021, Family Code.

11-1 (2) "Domestic relations order" means any judgment,
 11-2 decree, or order, including approval of a property settlement
 11-3 agreement, which relates to the provision of child support, alimony
 11-4 payments, or marital property rights to a spouse, former spouse,
 11-5 child support obligee, child, or other dependent of a member or
 11-6 retiree, and is made pursuant to a domestic relations law,
 11-7 including a community property law of the State of Texas or of
 11-8 another state.

11-9 SECTION 42. Sections 207.093(a) and (d), Labor Code, are
 11-10 amended to read as follows:

11-11 (a) The commission shall withhold from the benefits payable
 11-12 to an individual that owes a child support obligation an amount
 11-13 equal to:

11-14 (1) any amount required to be withheld under legal
 11-15 process properly served on the commission;

11-16 (2) if Subdivision (1) does not apply, the amount
 11-17 determined under an agreement submitted to the commission under
 11-18 Section 454(19)(B)(i) [~~454(20)(B)(i)~~] of the Social Security Act
 11-19 (42 U.S.C. Section 654) by the state or local child support
 11-20 enforcement agency; or

11-21 (3) if neither Subdivision (1) or (2) applies, the
 11-22 amount the individual specifies to the commission to be withheld.

11-23 (d) In this section, "legal process" has the meaning
 11-24 assigned by Section 459(i)(5) [~~462(e)~~] of the Social Security Act
 11-25 (42 U.S.C. Section 659 [~~662~~]).

11-26 SECTION 43. Section 501.002(9), Transportation Code, is
 11-27 amended to read as follows:

11-28 (9) "Lien" means:

11-29 (A) a lien provided for by the constitution or
 11-30 statute in a motor vehicle; [~~or~~]

11-31 (B) a security interest, as defined by Section
 11-32 1.201, Business & Commerce Code, in a motor vehicle, other than an
 11-33 absolute title, created by any written security agreement, as
 11-34 defined by Section 9.102, Business & Commerce Code, including a
 11-35 lease, conditional sales contract, deed of trust, chattel mortgage,
 11-36 trust receipt, or reservation of title; or

11-37 (C) a child support lien under Chapter 157,
 11-38 Family Code.

11-39 SECTION 44. Section 201.104(e), Family Code, is repealed.

11-40 SECTION 45. (a) The change in law made by this Act relating
 11-41 to a court order establishing paternity or the obligation to pay
 11-42 child support applies only to a suit affecting the parent-child
 11-43 relationship filed on or after the effective date of this Act. A
 11-44 suit affecting the parent-child relationship filed before the
 11-45 effective date of this Act is governed by the law in effect on the
 11-46 date the suit was filed, and the former law is continued in effect
 11-47 for that purpose.

11-48 (b) The change in law made by this Act relating to the
 11-49 modification or enforcement of a child support order rendered
 11-50 before the effective date of this Act applies only to a proceeding
 11-51 for modification or enforcement that is commenced on or after the
 11-52 effective date of this Act. A proceeding for modification or
 11-53 enforcement that is commenced before the effective date of this Act
 11-54 is governed by the law in effect on the date the proceeding was
 11-55 commenced, and the former law is continued in effect for that
 11-56 purpose.

11-57 (c) The change in law made by this Act by the enactment of
 11-58 Section 234.105, Family Code, applies only to a violation that
 11-59 occurs on or after the effective date of this Act. A violation that
 11-60 occurs before that date is governed by the law in effect on the date
 11-61 the violation occurred, and the former law is continued in effect
 11-62 for that purpose.

11-63 SECTION 46. The changes in law made by this Act by the
 11-64 amendment of Sections 154.125, 154.126, and 154.130, Family Code,
 11-65 apply only to a suit affecting the parent-child relationship that
 11-66 is commenced on or after September 1, 2005. A suit affecting the
 11-67 parent-child relationship commenced before that date is governed by
 11-68 the law in effect on the date the suit was filed, and the former law
 11-69 is continued in effect for that purpose.

12-1 SECTION 47. This Act takes effect September 1, 2005.

12-2 * * * * *