

By: Raymond

H.B. No. 2351

Substitute the following for H.B. No. 2351:

By: Goodman

C.S.H.B. No. 2351

A BILL TO BE ENTITLED

AN ACT

relating to the release of a child support lien.

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

SECTION 1. Section 157.321, Family Code, is amended to read as follows:

Sec. 157.321. DISCRETIONARY RELEASE OF LIEN. (a) A child support lien claimant may at any time release a lien on all or part of the property of the obligor or return seized property, without liability, if assurance of payment is considered adequate by the claimant or if the release or return will facilitate the collection of the arrearages. The release or return may not operate to prevent future action to collect from the same or other property owned by the obligor.

(b) A claimant may enter into a written agreement with the obligor for release of a lien on payment of an amount that is less than the full amount of child support due, including any costs and reasonable attorney's fees. The release must:

(1) be delivered to the Title IV-D agency;

(2) specifically state the amount of child support that was paid by the obligor on or before the date the release is executed and indicate whether that amount is inclusive or exclusive of interest; and

(3) be accompanied by a copy of the written agreement under which the obligor's payment of an amount that is less than the

1 amount of child support due is considered satisfaction for the full  
2 amount, including accrued interest, at the time the release is  
3 executed.

4 (c) A release under Subsection (b) does not prevent a future  
5 action to impose a child support lien on the same property or other  
6 property owned by the obligor for child support arrearages that  
7 accrue after the date of execution of the release of lien.

8 SECTION 2. The change in law made by this Act applies only  
9 to a child support lien release executed on or after the effective  
10 date of this Act. A child support lien release executed before the  
11 effective date of this Act is governed by the law in effect on the  
12 date the release was executed, and the former law is continued in  
13 effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2005.