

By: Raymond

H.B. No. 2355

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of a child support order by contempt.

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

SECTION 1. Section 157.166, Family Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) If the enforcement order imposes incarceration for civil contempt and the obligor is also ordered to be confined in jail or prison because of a criminal offense, the court may suspend the civil contempt order for the period in which the obligor is confined for the criminal offense. A court that finds that the civil contempt order should not be suspended under this subsection shall render an order, after notice and hearing, stating the grounds for allowing the obligor to be confined simultaneously for civil contempt and the criminal offense.

(e) At the hearing required by Subsection (d), the court shall consider whether:

- (1) the obligor has committed family violence; and
- (2) the early release of the obligor from confinement for civil contempt will affect the obligee or another family member.

SECTION 2. The change in law made by this Act applies only to an enforcement order rendered under Subchapter D, Chapter 157, Family Code, on or after the effective date of this Act. An enforcement order rendered before that date is governed by the law

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1 in effect on the date the order was rendered, and the former law is
2 continued in effect for that purpose.

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