

By: Bonnen

H.B. No. 2408

A BILL TO BE ENTITLED

AN ACT

1
2 relating to delivery to an employer of an order or writ for the
3 withholding of child support from an employee's earnings.

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

5 SECTION 1. Section 158.105, Family Code, is amended by
6 amending Subsections (b) and (c) and adding Subsection (d) to read
7 as follows:

8 (b) The clerk shall issue and deliver [~~mail~~] the certified
9 copy of the order or judicial writ not later than the fourth working
10 day after the date the order is signed or the request is filed,
11 whichever is later.

12 (c) An order or judicial writ of withholding shall be
13 delivered to the employer by first class mail or, if requested, by
14 certified or registered mail, return receipt requested, by
15 electronic transmission, including electronic mail or facsimile
16 transmission, or by service of citation to:

17 (1) the person authorized to receive service of
18 process for the employer in civil cases generally; or

19 (2) a person designated by the employer, by written
20 notice to the clerk, to receive orders or writs of withholding.

21 (d) The clerk may deliver an order or judicial writ of
22 withholding under Subsection (c) by electronic mail if the employer
23 has an electronic mail address or by facsimile transmission if the
24 employer is capable of receiving documents transmitted in that

1 manner. If delivery is accomplished by electronic mail, the clerk
2 must request acknowledgment of receipt from the employer or use an
3 electronic mail system with a read receipt capability. If delivery
4 is accomplished by facsimile transmission, the clerk's facsimile
5 machine must create a delivery confirmation report.

6 SECTION 2. Section 158.105, Family Code, as amended by this
7 Act, applies only to an order or judicial writ of withholding
8 delivered to an employer on or after the effective date of this Act.
9 An order or judicial writ of withholding delivered before the
10 effective date of this Act is governed by the law in effect on the
11 date the order or writ was delivered, and the former law is
12 continued in effect for that purpose.

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