

By: Castro

H.B. No. 3136

Substitute the following for H.B. No. 3136:

By: Goodman

C.S.H.B. No. 3136

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain child support liens against assets in the
3 possession of, or controlled by, financial institutions.

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

5 SECTION 1. Section 157.312, Family Code, is amended by
6 amending Subsection (d) and adding Subsection (h) to read as
7 follows:

8 (d) Except as provided by Subsection (h), a [A] child
9 support lien arises by operation of law against real and personal
10 property of an obligor for all amounts of child support due and
11 owing, including any accrued interest, regardless of whether the
12 amounts have been adjudicated or otherwise determined, subject to
13 the requirements of this subchapter for perfection of the lien.

14 (h) A child support lien does not arise by operation of law
15 against assets or funds owned by, or owed to, an obligor and in the
16 possession of, or controlled by, a financial institution if a
17 judgment for retroactive child support or a judgment or
18 administrative determination of child support arrearages has been
19 rendered and the obligor is fully complying with the terms of a
20 payment schedule ordered by the court or agreed to by the Title IV-D
21 agency. If the obligor becomes at least 31 days delinquent in
22 payment of support under the payment schedule, a child support lien
23 arises by operation of law against the assets or funds owned by, or
24 owed to, the obligor in the possession of, or controlled by, the

1 financial institution, and a claimant may file a child support lien
2 notice under Section 157.314 or proceed with execution and levy on
3 those assets under Section 157.327.

4 SECTION 2. Section 157.327(a), Family Code, is amended to
5 read as follows:

6 (a) Except as provided by Section 157.312(h), but
7 notwithstanding [~~Notwithstanding~~] any other provision of law, if a
8 judgment or administrative determination of arrearages has been
9 rendered, a claimant may deliver a notice of levy to any financial
10 institution possessing or controlling assets or funds owned by, or
11 owed to, an obligor and subject to a child support lien, including a
12 lien for child support arising in another state.

13 SECTION 3. The change in law made by this Act applies only
14 to the issuance of a lien or delivery of a notice of levy to enforce
15 child support arrearages or a judgment for retroactive support on
16 or after the effective date of this Act.

17 SECTION 4. This Act takes effect September 1, 2005.