

By: Castro

H.B. No. 3136

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the enforcement of child support arrearages by  
3 imposition of a lien on the obligor's property or a levy on the  
4 obligor's financial assets.

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

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

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

15 (h) The rendering of a money judgment for child support  
16 arrearages, or an administrative determination of arrearages, that  
17 includes a payment schedule for the arrearages is an acceptable  
18 arrangement for enforcing child support and bars issuance of a lien  
19 under this subchapter unless a payment under the schedule is more  
20 than 31 days delinquent.

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

23 (a) Notwithstanding any other provision of law, if a  
24 judgment or administrative determination of arrearages has been

1 rendered and the obligor is more than 31 days delinquent in the  
2 payment of arrearages under a payment schedule rendered as part of  
3 the judgment or determination, a claimant may deliver a notice of  
4 levy to any financial institution possessing or controlling assets  
5 or funds owned by, or owed to, an obligor and subject to a child  
6 support lien, including a lien for child support arising in another  
7 state.

8 SECTION 3. The change in law made by this Act applies only  
9 to the issuance of a lien or delivery of a notice of levy to enforce  
10 child support arrearages on or after the effective date of this Act.

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