

By: Harris

S.B. No. 1153

A BILL TO BE ENTITLED

1 AN ACT

2 relating to suits affecting the parent-child relationship,
3 including proceedings for the establishment, modification, and
4 enforcement of child support; providing an administrative penalty.

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

6 SECTION 1. Chapter 101, Family Code, is amended by adding
7 Section 101.0255 to read as follows:

8 Sec. 101.0255. RECORD. "Record" means information that
9 is:

10 (1) inscribed on a tangible medium or stored in an
11 electronic or other medium; and

12 (2) retrievable in a perceivable form.

13 SECTION 2. Section 102.009(d), Family Code, is amended to
14 read as follows:

15 (d) If the petition requests the establishment,
16 termination, modification, or enforcement of a support right
17 assigned to the Title IV-D agency under Chapter 231 or the
18 rescission of a voluntary acknowledgment of paternity under Chapter
19 160, notice shall be given to the Title IV-D agency in a manner
20 provided by Rule 21a, Texas Rules of Civil Procedure.

21 SECTION 3. Section 105.008(a), Family Code, is amended to
22 read as follows:

23 (a) The clerk of the court shall provide the state case
24 registry with a record of a court order for child support as

1 required by procedures adopted by the Title IV-D agency [~~under~~
2 ~~Section 234.003~~]. The record of an order shall include information
3 provided by the parties on a form developed by the Title IV-D
4 agency. The form shall be completed by the petitioner and submitted
5 to the clerk at the time the order is filed for record.

6 SECTION 4. Section 151.001(b), Family Code, is amended to
7 read as follows:

8 (b) The duty of a parent to support his or her child exists
9 while the child is an unemancipated minor and continues as long as
10 the child is fully enrolled in an accredited secondary school and
11 complies with attendance requirements described by Section
12 154.002(a)(2) [~~in a program leading toward a high school diploma~~
13 ~~until the end of the school year in which the child graduates~~].

14 SECTION 5. Section 155.301(c), Family Code, is amended to
15 read as follows:

16 (c) Except as otherwise provided by this subsection, if [~~if~~]
17 a transfer of continuing, exclusive jurisdiction is sought under
18 this section, the procedures for determining and effecting a
19 transfer of proceedings provided by this chapter apply. If the
20 parties submit to the court an agreed order for transfer, the court
21 shall sign the order without the need for other pleadings.

22 SECTION 6. Section 156.401(b), Family Code, is amended to
23 read as follows:

24 (b) A support order may be modified with regard to the
25 amount of support ordered only as to obligations accruing after the
26 earlier of:

27 (1) the date of service of citation; or

1 (2) an appearance in the suit to modify.

2 SECTION 7. Section 156.409, Family Code, is amended by
3 amending Subsection (a) and adding Subsection (a-1) to read as
4 follows:

5 (a) The [~~If the sole managing conservator of a child or the~~
6 ~~joint managing conservator who has the exclusive right to determine~~
7 ~~the primary residence of the child has voluntarily relinquished the~~
8 ~~primary care and possession of the child to another person for at~~
9 ~~least six months, the~~] court may modify an order providing for the
10 support of a [~~the~~] child to provide that the [~~other~~] person having
11 physical possession of the child, including a conservator or
12 governmental entity, shall have the right to receive and give
13 receipt for payments of support for the child and to hold or
14 disburse money for the benefit of the child if the sole managing
15 conservator of the child or the joint managing conservator who has
16 the exclusive right to determine the primary residence of the child
17 has:

18 (1) voluntarily relinquished the primary care and
19 possession of the child to another person for at least six months;

20 (2) been incarcerated or sentenced to be incarcerated
21 for at least 30 days; or

22 (3) relinquished the primary care and possession of
23 the child under Chapter 262.

24 (a-1) If the court modifies a support order under this
25 section, the court shall order the obligor to pay the person or
26 entity having physical possession of the child any unpaid child
27 support that is not subject to offset or reimbursement under

1 Section 157.008 and that accrues after the date the sole or joint
2 managing conservator:

3 (1) relinquishes possession and control of the child,
4 whether voluntarily or under Chapter 262; or

5 (2) is incarcerated.

6 SECTION 8. Section 157.005(a), Family Code, is amended to
7 read as follows:

8 (a) The court retains jurisdiction to render a contempt
9 order for failure to comply with the child support order if the
10 motion for enforcement is filed not later than the second
11 anniversary of [~~sixth month after~~] the date:

12 (1) the child becomes an adult; or

13 (2) on which the child support obligation terminates
14 under the order or by operation of law.

15 SECTION 9. Section 157.065(a), Family Code, is amended to
16 read as follows:

17 (a) If a party has been ordered under Chapter 105 to provide
18 the court and the state case registry with the party's current
19 mailing address, notice of a hearing on a motion for enforcement may
20 be served by mailing a copy of the notice to the respondent,
21 together with a copy of the motion, by first class mail to the last
22 mailing address of the respondent on file with the court and the
23 registry.

24 SECTION 10. Sections 157.105(a) and (c), Family Code, are
25 amended to read as follows:

26 (a) If the respondent is taken into custody and not released
27 on bond, the respondent shall be brought before the court that

1 issued the capias on or before the third [~~first~~] working day after
2 the arrest. The court shall determine whether the respondent's
3 appearance in court at a designated time and place can be assured by
4 a method other than by posting the bond or security previously
5 established.

6 (c) If the court is not satisfied that the respondent's
7 appearance in court can be assured and the respondent remains in
8 custody, a hearing on the alleged contempt shall be held as soon as
9 practicable, but not later than the seventh [~~fifth~~] day after the
10 date that the respondent was taken into custody, unless the
11 respondent and the respondent's attorney waive the accelerated
12 hearing.

13 SECTION 11. Section 157.211, Family Code, is amended to
14 read as follows:

15 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the
16 court places the respondent on community supervision [~~and suspends~~
17 ~~commitment~~], the terms and conditions of community supervision may
18 include the requirement that the respondent:

19 (1) report to the community supervision officer as
20 directed;

21 (2) permit the community supervision officer to visit
22 the respondent at the respondent's home or elsewhere;

23 (3) obtain counseling on financial planning, budget
24 management, conflict resolution, parenting skills, alcohol or drug
25 abuse, or other matters causing the respondent to fail to obey the
26 order;

27 (4) pay required child support and any child support

1 arrearages;

2 (5) pay court costs and attorney's fees ordered by the
3 court;

4 (6) seek employment assistance services offered by the
5 Texas Workforce Commission under Section 302.0035, Labor Code, if
6 appropriate; ~~and~~

7 (7) participate in mediation or other services to
8 alleviate conditions that prevent the respondent from obeying the
9 court's order; and

10 (8) submit to a period of confinement in a county jail
11 beginning at any time during the community supervision period,
12 except that the aggregate of all periods of confinement during the
13 community supervision period may not exceed 180 days.

14 SECTION 12. Section 157.212, Family Code, is amended to
15 read as follows:

16 Sec. 157.212. TERM OF COMMUNITY SUPERVISION. The initial
17 period of community supervision ~~[period]~~ may not exceed 10 years.
18 The court may continue the community supervision beyond 10 years
19 until all child support, including arrearages and interest, has
20 been paid.

21 SECTION 13. Sections 157.216(a) and (b), Family Code, are
22 amended to read as follows:

23 (a) The court shall hold a hearing without a jury not later
24 than ~~[on or before]~~ the third ~~[first]~~ working day after the date the
25 respondent is arrested under Section 157.215. If the court is
26 unavailable for a hearing on that date, the hearing shall be held
27 not later than the third ~~[first]~~ working day after the date the

1 court becomes available.

2 (b) The hearing under this section may not be held later
3 than the seventh [~~third~~] working day after the date the respondent
4 is arrested.

5 SECTION 14. Section 157.263(c), Family Code, is amended to
6 read as follows:

7 (c) If the amount of arrearages confirmed by the court
8 reflects a credit to the obligor for support arrearages collected
9 from a federal tax refund under 42 U.S.C. Section 664, [~~as amended,~~]
10 and, subsequently, the amount of that credit is reduced because the
11 refund was adjusted because of an injured spouse claim by a jointly
12 filing spouse, the tax return was amended, the return was audited by
13 the Internal Revenue Service, or for another reason permitted by
14 law [~~based on a joint return under which another person was entitled~~
15 ~~to a share of the refund under 42 U.S.C. Section 664, as amended],
16 the court shall render a new cumulative judgment to include as
17 arrearages an amount equal to the amount by which the credit was
18 reduced.~~

19 SECTION 15. Section 157.264(b), Family Code, is amended to
20 read as follows:

21 (b) The court shall [~~may~~] render an order requiring[+
22 [~~(1) that income be withheld from the disposable~~
23 ~~earnings of the obligor in an amount sufficient to discharge the~~
24 ~~judgment in not more than two years, or~~
25 [~~(2) if the obligor is not subject to income~~
26 ~~withholding,~~] that the obligor make periodic payments on the
27 judgment, including by income withholding under Chapter 158 if the

1 obligor is subject to income withholding [~~to the obligee in an~~
2 ~~amount sufficient to discharge the judgment within a reasonable~~
3 ~~time~~].

4 SECTION 16. Section 157.269, Family Code, is amended to
5 read as follows:

6 Sec. 157.269. RETENTION OF JURISDICTION. A court that
7 renders an order providing for the payment of child support
8 [~~arrearages~~] retains continuing jurisdiction to enforce the order,
9 including by adjusting the amount of the periodic payments to be
10 made by the obligor or the amount to be withheld from the obligor's
11 disposable earnings, until all current support and medical support
12 and child support arrearages, including interest and any applicable
13 fees and costs, have been paid.

14 SECTION 17. Sections 157.313(a), (c), and (e), Family Code,
15 are amended to read as follows:

16 (a) Except as provided by Subsection (e), a child support
17 lien notice must contain:

18 (1) the name and address of the person to whom the
19 notice is being sent;

20 (2) the style, docket or cause number, and identity of
21 the tribunal of this or another state having continuing
22 jurisdiction of the child support action and, if the case is a Title
23 IV-D case, the case number;

24 (3) the full name, address, and, if known, the birth
25 date, driver's license number, social security number, and any
26 aliases of the obligor;

27 (4) the full name and, if known, social security

1 number of the obligee;

2 (5) the amount of the current or prospective child
3 support obligation, the frequency with which current or prospective
4 child support is ordered to be paid, and the amount of child support
5 arrearages owed by the obligor and the date of the signing of the
6 court order, administrative order, or writ that determined the
7 arrearages or the date and manner in which the arrearages were
8 determined;

9 (6) the rate of interest specified in the court order,
10 administrative order, or writ or, in the absence of a specified
11 interest rate, the rate provided for by law;

12 (7) the name and address of the person or agency
13 asserting the lien;

14 (8) the motor vehicle identification number as shown
15 on the obligor's title if the property is a motor vehicle;

16 (9) a statement that the lien attaches to all
17 nonexempt real and personal property of the obligor that is located
18 or recorded in the state, including any property specifically
19 identified in the notice and any property acquired after the date of
20 filing or delivery of the notice;

21 (10) a statement that any ordered child support not
22 timely paid in the future constitutes a final judgment for the
23 amount due and owing, including interest, and accrues up to an
24 amount that may not exceed the lien amount; and

25 (11) a statement that the obligor is being provided a
26 copy of the lien notice and that the obligor may dispute the
27 arrearage amount by filing suit under Section 157.323.

1 (c) Except as provided by Subsection (e), the ~~[The]~~ lien
2 notice must be verified.

3 (e) A notice of a lien for child support under this section
4 may be in the form authorized by federal law or regulation. The
5 federal form of lien notice does not require verification when used
6 by the Title IV-D agency.

7 SECTION 18. Section 157.317(a-1), Family Code, is amended
8 to read as follows:

9 (a-1) A lien attaches to all property owned on or acquired
10 after the date the lien notice or abstract of judgment is filed with
11 the county clerk of the county in which the property is located,
12 with the court clerk as to property or claims in litigation, or, as
13 to property of the obligor in the possession or control of a third
14 party, from the date the lien notice is delivered to ~~[filed with]~~
15 that party.

16 SECTION 19. Subchapter C, Chapter 158, Family Code, is
17 amended by adding Section 158.214 to read as follows:

18 Sec. 158.214. WITHHOLDING FROM SEVERANCE PAY. (a) In this
19 section, "severance pay" means income paid on termination of
20 employment in addition to the employee's usual earnings from the
21 employer at the time of termination.

22 (b) An employer receiving an order or writ of withholding
23 under this chapter shall withhold from any severance pay owed an
24 obligor an amount equal to the amount that would have been withheld
25 under the order or writ if the severance pay had been paid
26 periodically to the obligor as a current employee.

27 (c) The total amount that may be withheld under this section

1 is subject to the maximum amount allowed to be withheld under
2 Section 158.009.

3 SECTION 20. Section 159.102(23), Family Code, is amended to
4 read as follows:

5 (23) "Support order" means a judgment, decree, [~~or~~]
6 order, or directive, whether temporary, final, or subject to
7 modification, issued by a tribunal for the benefit of a child, a
8 spouse, or a former spouse that provides for monetary support,
9 health care, arrearages, or reimbursement and may include related
10 costs and fees, interest, income withholding, attorney's fees, and
11 other relief.

12 SECTION 21. Section 159.316, Family Code, is amended by
13 adding Subsection (j) to read as follows:

14 (j) A voluntary acknowledgment of paternity, certified as a
15 true copy, is admissible to establish parentage of the child.

16 SECTION 22. Section 161.206, Family Code, is amended by
17 adding Subsection (d) to read as follows:

18 (d) An order rendered under this section must include a
19 finding that:

20 (1) a request for identification of a court of
21 continuing, exclusive jurisdiction has been made as required by
22 Section 155.101; and

23 (2) all parties entitled to notice, including the
24 Title IV-D agency, have been notified.

25 SECTION 23. Section 201.104(d), Family Code, is amended to
26 read as follows:

27 (d) An associate judge [~~Only the referring court~~] may hear

1 and render an order on a motion for postjudgment relief, including a
2 motion for a new trial or to vacate, correct, or reform a judgment
3 rendered by the associate judge. An associate judge may not grant
4 postjudgment relief under Rule 306a, 316, or 329, Texas Rules of
5 Civil Procedure, that alters or affects any judicial action taken
6 by the referring court on the associate judge's recommendation.

7 SECTION 24. Section 231.202, Family Code, is amended to
8 read as follows:

9 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
10 CASES. In a Title IV-D case filed under this title, including a
11 case filed under Chapter 159, the Title IV-D agency shall pay:

12 (1) filing fees and fees for issuance and service of
13 process as provided by Chapter 110 of this code and by Sections
14 51.317, 51.318(b)(2), and 51.319(2), Government Code;

15 (2) fees for transfer as provided by Chapter 110;

16 (3) fees for the issuance and delivery of orders and
17 writs of income withholding in the amounts provided by Chapter 110;

18 (4) the fee that sheriffs and constables are
19 authorized to charge for serving process under Section 118.131,
20 Local Government Code, for each item of process to each individual
21 on whom service is required, including service by certified or
22 registered mail, to be paid to a sheriff, constable, or clerk
23 whenever service of process is required; ~~and~~

24 (5) the fee for filing an administrative writ of
25 withholding under Section 158.503(d); and

26 (6) the fee for issuance of a subpoena as provided by
27 Section 51.318(b)(1), Government Code.

1 SECTION 25. Sections 232.001(1)-(3), Family Code, are
2 amended to read as follows:

3 (1) "License" means a license, certificate,
4 registration, permit, or other authorization that:

5 (A) is issued by a licensing authority;

6 (B) is subject before expiration to renewal,
7 suspension, revocation, forfeiture, or termination by a [~~the~~
8 ~~issuing~~] licensing authority; and

9 (C) a person must obtain to:

10 (i) practice or engage in a particular
11 business, occupation, or profession;

12 (ii) operate a motor vehicle on a public
13 highway in this state; or

14 (iii) engage in any other regulated
15 activity, including hunting, fishing, or other recreational
16 activity for which a license or permit is required.

17 (2) "Licensing authority" means a department,
18 commission, board, office, or other agency of the state or a
19 political subdivision of the state that issues or renews a license
20 or that otherwise has authority to suspend or refuse to renew a
21 license.

22 (3) "Order suspending license" means an order issued
23 by the Title IV-D agency or a court directing a licensing authority
24 to suspend or refuse to renew a license.

25 SECTION 26. Section 232.002, Family Code, is amended to
26 read as follows:

27 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO

1 CHAPTER. Unless otherwise restricted or exempted, all [The
2 ~~following are~~] licensing authorities are subject to this chapter[+]

3 [~~(1) Department of Agriculture,~~

4 [~~(2) Texas Commission on Alcohol and Drug Abuse,~~

5 [~~(3) Texas Alcoholic Beverage Commission,~~

6 [~~(4) Texas Appraiser Licensing and Certification
7 Board,~~

8 [~~(5) Texas Board of Architectural Examiners,~~

9 [~~(6) State Board of Barber Examiners,~~

10 [~~(7) Texas Board of Chiropractic Examiners,~~

11 [~~(8) Comptroller of Public Accounts,~~

12 [~~(9) Texas Cosmetology Commission,~~

13 [~~(10) Court Reporters Certification Board,~~

14 [~~(11) State Board of Dental Examiners,~~

15 [~~(12) Texas State Board of Examiners of Dietitians,~~

16 [~~(13) Texas Funeral Service Commission,~~

17 [~~(14) Texas Department of Health,~~

18 [~~(15) Texas Department of Human Services,~~

19 [~~(16) Texas Board of Professional Land Surveying,~~

20 [~~(17) Texas Department of Licensing and Regulation,~~

21 [~~(18) Texas State Board of Examiners of Marriage and
22 Family Therapists,~~

23 [~~(19) Texas State Board of Medical Examiners,~~

24 [~~(20) Midwifery Board,~~

25 [~~(21) Texas Commission on Environmental Quality,~~

26 [~~(22) Board of Nurse Examiners,~~

27 [~~(23) Texas Board of Occupational Therapy Examiners,~~

- 1 ~~[(24) Texas Optometry Board,~~
- 2 ~~[(25) Parks and Wildlife Department,~~
- 3 ~~[(26) Texas State Board of Examiners of Perfusionists,~~
- 4 ~~[(27) Texas State Board of Pharmacy,~~
- 5 ~~[(28) Texas Board of Physical Therapy Examiners,~~
- 6 ~~[(29) Texas State Board of Plumbing Examiners,~~
- 7 ~~[(30) Texas State Board of Podiatric Medical~~
- 8 ~~Examiners,~~
- 9 ~~[(31) Polygraph Examiners Board,~~
- 10 ~~[(32) Texas Commission on Private Security,~~
- 11 ~~[(33) Texas State Board of Examiners of Professional~~
- 12 ~~Counselors,~~
- 13 ~~[(34) Texas Board of Professional Engineers,~~
- 14 ~~[(35) Department of Protective and Regulatory~~
- 15 ~~Services,~~
- 16 ~~[(36) Texas State Board of Examiners of Psychologists,~~
- 17 ~~[(37) Texas State Board of Public Accountancy,~~
- 18 ~~[(38) Department of Public Safety of the State of~~
- 19 ~~Texas,~~
- 20 ~~[(39) Public Utility Commission of Texas,~~
- 21 ~~[(40) Railroad Commission of Texas,~~
- 22 ~~[(41) Texas Real Estate Commission,~~
- 23 ~~[(42) State Bar of Texas,~~
- 24 ~~[(43) Texas State Board of Social Worker Examiners,~~
- 25 ~~[(44) State Board of Examiners for Speech-Language~~
- 26 ~~Pathology and Audiology,~~
- 27 ~~[(45) Texas Structural Pest Control Board,~~

1 ~~[(46) Board of Tax Professional Examiners,~~
2 ~~[(47) Secretary of State,~~
3 ~~[(48) Supreme Court of Texas,~~
4 ~~[(49) Texas Transportation Commission,~~
5 ~~[(50) State Board of Veterinary Medical Examiners,~~
6 ~~[(51) Texas Ethics Commission,~~
7 ~~[(52) Advisory Board of Athletic Trainers,~~
8 ~~[(53) State Committee of Examiners in the Fitting and~~
9 ~~Dispensing of Hearing Instruments,~~
10 ~~[(54) Texas Board of Licensure for Professional~~
11 ~~Medical Physicists,~~
12 ~~[(55) Texas Department of Insurance,~~
13 ~~[(56) Texas Board of Orthotics and Prosthetics,~~
14 ~~[(57) savings and loan commissioner,~~
15 ~~[(58) Texas Juvenile Probation Commission, and~~
16 ~~[(59) Texas Lottery Commission under Chapter 466,~~
17 ~~Government Code].~~

18 SECTION 27. Chapter 232, Family Code, is amended by adding
19 Section 232.0022 to read as follows:

20 Sec. 232.0022. SUSPENSION OF MOTOR VEHICLE REGISTRATION.
21 The Texas Department of Transportation is the appropriate licensing
22 authority for suspension of a motor vehicle registration under this
23 chapter. The general registration provisions of Chapter 502,
24 Transportation Code, do not apply to the suspension or denial of a
25 renewal of a motor vehicle registration under this chapter.

26 SECTION 28. Section 232.004(a), Family Code, is amended to
27 read as follows:

1 (a) A child support agency or obligee may file a petition to
2 suspend, as provided by this chapter, a license of an obligor who
3 has an arrearage equal to or greater than the total support due for
4 three months [~~90 days~~] under a support order.

5 SECTION 29. Sections 232.006(b) and (c), Family Code, are
6 amended to read as follows:

7 (b) Notice under this section may be served:

8 (1) if the party has been ordered under Chapter 105 to
9 provide the court and registry with the party's current mailing
10 address, by mailing a copy of the notice to the respondent, together
11 with a copy of the petition, by first class mail to the last mailing
12 address of the respondent on file with the court and the state case
13 registry; or

14 (2) as in civil cases generally.

15 (c) The notice must contain the following prominently
16 displayed statement in boldfaced type, capital letters, or
17 underlined:

18 "AN ACTION TO SUSPEND ONE OR MORE LICENSES ISSUED TO YOU HAS
19 BEEN FILED AS PROVIDED BY CHAPTER 232, TEXAS FAMILY CODE. YOU MAY
20 EMPLOY AN ATTORNEY TO REPRESENT YOU IN THIS ACTION. IF YOU OR YOUR
21 ATTORNEY DO NOT REQUEST A HEARING BEFORE THE 21ST DAY AFTER THE DATE
22 OF SERVICE OF THIS NOTICE, AN ORDER SUSPENDING YOUR [~~OF~~] LICENSE
23 [~~SUSPENSION~~] MAY BE RENDERED."

24 SECTION 30. Chapter 232, Family Code, is amended by adding
25 Section 232.0135 to read as follows:

26 Sec. 232.0135. DENIAL OF LICENSE RENEWAL. (a) The Title
27 IV-D agency may provide a licensing authority with information

1 concerning an obligor who has failed to pay child support for six
2 months or more.

3 (b) A licensing authority that receives the information
4 described by Subsection (a) shall refuse to accept an application
5 for renewal of the license of the obligor until the authority is
6 notified by the Title IV-D agency that the obligor has:

7 (1) paid all child support arrearages;

8 (2) established with the Title IV-D agency a
9 satisfactory repayment schedule or is in compliance with a court
10 order for payment of the arrearages;

11 (3) been granted an exemption from this subsection as
12 part of a court-supervised plan to improve the obligor's earnings
13 and child support payments; or

14 (4) successfully contested the denial of renewal of
15 license under Subsection (d).

16 (c) On providing a licensing authority with the information
17 described by Subsection (a), the Title IV-D agency shall
18 immediately notify the obligor by first class mail that the
19 information has been provided and of the steps the obligor must take
20 to prevent the denial by the authority of an application for license
21 renewal or to permit the authority to accept the obligor's
22 application for renewal.

23 (d) An obligor receiving notice under Subsection (c) may
24 request a review by the Title IV-D agency to resolve any issue in
25 dispute regarding the identity of the obligor or the existence or
26 amount of child support arrearages. The Title IV-D agency shall
27 provide an opportunity for a review, either by telephone or in

1 person, as appropriate to the circumstances. After the review, if
2 appropriate, the Title IV-D agency may notify the licensing
3 authority that it may accept the obligor's application for renewal
4 of license. If the Title IV-D agency and the obligor fail to
5 resolve any issue in dispute, the obligor, not later than the 30th
6 day after the date of receiving notice of the Title IV-D agency's
7 determination from the review, may file a motion with the court to
8 direct the licensing authority to accept the obligor's application
9 for renewal of license and request a hearing on the motion. The
10 obligor's application for license renewal may not be accepted by
11 the licensing authority until the court rules on the motion.

12 (e) If an obligor enters into a repayment agreement with the
13 Title IV-D agency under this section, the Title IV-D agency may
14 incorporate the agreement in an order to be filed with and confirmed
15 by the court in the manner provided for agreed orders under Chapter
16 233.

17 SECTION 31. Section 232.014, Family Code, is amended to
18 read as follows:

19 Sec. 232.014. FEE BY LICENSING AUTHORITY. A licensing
20 authority may charge a fee to an individual who is the subject of an
21 order suspending license or of an action by the Title IV-D agency to
22 deny renewal of license in an amount sufficient to recover the
23 administrative costs incurred by the authority under this chapter.

24 SECTION 32. Section 234.001(c), Family Code, is amended to
25 read as follows:

26 (c) The state disbursement unit shall:

27 (1) receive, maintain, and furnish records of child

1 support payments in Title IV-D cases and other cases as authorized
2 by law;

3 (2) forward child support payments as authorized by
4 law;

5 (3) maintain records of child support payments
6 [~~payment records~~] made through the state disbursement unit; and

7 (4) make available to a local registry each day in a
8 manner determined by the Title IV-D agency [~~with the assistance of~~
9 ~~the work group established under Section 234.003~~] the following
10 information:

11 (A) the cause number of the suit under which
12 withholding is required;

13 (B) the payor's name and social security number;

14 (C) the payee's name and, if available, social
15 security number;

16 (D) the date the disbursement unit received the
17 payment;

18 (E) the amount of the payment; and

19 (F) the instrument identification information.

20 SECTION 33. Section 234.006, Family Code, is amended to
21 read as follows:

22 Sec. 234.006. RULEMAKING [~~EFFECTIVE DATE AND PROCEDURES~~].
23 The Title IV-D agency [~~, in cooperation with the work group~~
24 ~~established under Section 234.003,~~] may adopt rules in compliance
25 with federal law for the operation of the state case registry and
26 the state disbursement unit.

27 SECTION 34. Subchapter B, Chapter 234, Family Code, is

1 amended by adding Section 234.105 to read as follows:

2 Sec. 234.105. CIVIL PENALTY. (a) In addition to any other
3 remedy provided by law, an employer who knowingly violates a
4 procedure adopted under Section 234.104 for reporting employee
5 information may be liable for a civil penalty as permitted by
6 Section 453A(d) of the federal Social Security Act (42 U.S.C.
7 Section 653a).

8 (b) The amount of the civil penalty may not exceed:

9 (1) \$25 for each occurrence in which an employer fails
10 to report an employee; or

11 (2) \$500 for each occurrence in which the conduct
12 described by Subdivision (1) is the result of a conspiracy between
13 the employer and an employee to not supply a required report or to
14 submit a false or incomplete report.

15 (c) The attorney general may sue to collect the civil
16 penalty. A penalty collected under this section shall be deposited
17 in a special fund in the state treasury.

18 SECTION 35. Section 804.001, Government Code, is amended by
19 amending Subdivisions (1) and (2) and adding Subdivision (1-a) to
20 read as follows:

21 (1) "Alternate payee" means a spouse, former spouse,
22 child support obligee, child, or other dependent of a member or
23 retiree who is recognized by a domestic relations order as having a
24 right to receive all or a portion of the benefits payable by a
25 public retirement system with respect to such member or retiree.

26 (1-a) "Child support obligee" has the meaning assigned
27 to "obligee" by Section 101.021, Family Code.

1 (2) "Domestic relations order" means any judgment,
2 decree, or order, including approval of a property settlement
3 agreement, which relates to the provision of child support, alimony
4 payments, or marital property rights to a spouse, former spouse,
5 child support obligee, child, or other dependent of a member or
6 retiree, and is made pursuant to a domestic relations law,
7 including a community property law of the State of Texas or of
8 another state.

9 SECTION 36. Section 2252.901, Government Code, is amended
10 by amending Subsection (a) and adding Subsection (b) to read as
11 follows:

12 (a) Except as otherwise provided by this section, a [A]
13 state agency may not enter into an employment contract, a
14 professional services contract under Chapter 2254, or a consulting
15 services contract under Chapter 2254 with a former or retired
16 employee of the agency before the first anniversary of the last date
17 on which the individual was employed by the agency, if appropriated
18 money will be used to make payments under the contract. This
19 section does not prohibit an agency from entering into a
20 professional services contract with a corporation, firm, or other
21 business entity that employs a former or retired employee of the
22 agency within one year of the employee's leaving the agency,
23 provided that the former or retired employee does not perform
24 services on projects for the corporation, firm, or other business
25 entity that the employee worked on while employed by the agency.

26 (b) This section does not apply to a visiting associate
27 judge appointed under Chapter 201, Family Code.

1 SECTION 37. Sections 207.093(a) and (d), Labor Code, are
2 amended to read as follows:

3 (a) The commission shall withhold from the benefits payable
4 to an individual that owes a child support obligation an amount
5 equal to:

6 (1) any amount required to be withheld under legal
7 process properly served on the commission;

8 (2) if Subdivision (1) does not apply, the amount
9 determined under an agreement submitted to the commission under
10 Section 454(19)(B)(i) [~~454(20)(B)(i)~~] of the Social Security Act
11 (42 U.S.C. Section 654) by the state or local child support
12 enforcement agency; or

13 (3) if neither Subdivision (1) or (2) applies, the
14 amount the individual specifies to the commission to be withheld.

15 (d) In this section, "legal process" has the meaning
16 assigned by Section 459(i)(5) [~~462(e)~~] of the Social Security Act
17 (42 U.S.C. Section 659 [~~662~~]).

18 SECTION 38. Section 501.002(9), Transportation Code, is
19 amended to read as follows:

20 (9) "Lien" means:

21 (A) a lien provided for by the constitution or
22 statute in a motor vehicle; [~~or~~]

23 (B) a security interest, as defined by Section
24 1.201, Business & Commerce Code, in a motor vehicle, other than an
25 absolute title, created by any written security agreement, as
26 defined by Section 9.102, Business & Commerce Code, including a
27 lease, conditional sales contract, deed of trust, chattel mortgage,

1 trust receipt, or reservation of title; or
2 (C) a child support lien under Chapter 157,
3 Family Code.

4 SECTION 39. Section 201.104(e), Family Code, is repealed.

5 SECTION 40. (a) The change in law made by this Act relating
6 to a court order establishing paternity or the obligation to pay
7 child support applies only to a suit affecting the parent-child
8 relationship filed on or after the effective date of this Act. A
9 suit affecting the parent-child relationship filed before the
10 effective date of this Act is governed by the law in effect on the
11 date the suit was filed, and the former law is continued in effect
12 for that purpose.

13 (b) The change in law made by this Act relating to the
14 modification or enforcement of a child support order rendered
15 before the effective date of this Act applies only to a proceeding
16 for modification or enforcement that is commenced on or after the
17 effective date of this Act. A proceeding for modification or
18 enforcement that is commenced before the effective date of this Act
19 is governed by the law in effect on the date the proceeding was
20 commenced, and the former law is continued in effect for that
21 purpose.

22 (c) The change in law made by this Act by the enactment of
23 Section 234.105, Family Code, applies only to a violation that
24 occurs on or after the effective date of this Act. A violation that
25 occurs before that date is governed by the law in effect on the date
26 the violation occurred, and the former law is continued in effect
27 for that purpose.

1 SECTION 41. This Act takes effect September 1, 2005.