

1-1 By: Harris S.B. No. 1153  
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 18, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 18, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1153 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to suits affecting the parent-child relationship,  
1-11 including proceedings for the establishment, modification, and  
1-12 enforcement of child support; providing a civil penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 101, Family Code, is amended by adding  
1-15 Section 101.0255 to read as follows:

1-16 Sec. 101.0255. RECORD. "Record" means information that is:

1-17 (1) inscribed on a tangible medium or stored in an  
1-18 electronic or other medium; and

1-19 (2) retrievable in a perceivable form.

1-20 SECTION 2. Subsection (d), Section 102.009, Family Code, is  
1-21 amended to read as follows:

1-22 (d) If the petition requests the establishment,  
1-23 termination, modification, or enforcement of a support right  
1-24 assigned to the Title IV-D agency under Chapter 231 or the  
1-25 rescission of a voluntary acknowledgment of paternity under Chapter  
1-26 160, notice shall be given to the Title IV-D agency in a manner  
1-27 provided by Rule 21a, Texas Rules of Civil Procedure.

1-28 SECTION 3. Subsection (a), Section 105.008, Family Code, is  
1-29 amended to read as follows:

1-30 (a) The clerk of the court shall provide the state case  
1-31 registry with a record of a court order for child support as  
1-32 required by procedures adopted by the Title IV-D agency [~~under~~  
1-33 ~~Section 234.003~~]. The record of an order shall include information  
1-34 provided by the parties on a form developed by the Title IV-D  
1-35 agency. The form shall be completed by the petitioner and submitted  
1-36 to the clerk at the time the order is filed for record.

1-37 SECTION 4. Subsection (b), Section 151.001, Family Code, is  
1-38 amended to read as follows:

1-39 (b) The duty of a parent to support his or her child exists  
1-40 while the child is an unemancipated minor and continues as long as  
1-41 the child is fully enrolled in an accredited secondary school and  
1-42 complies with attendance requirements described by Section  
1-43 154.002(a)(2) [in a program leading toward a high school diploma  
1-44 until the end of the school year in which the child graduates].

1-45 SECTION 5. Section 153.0071, Family Code, is amended by  
1-46 adding Subsection (c-1) and amending Subsections (d) and (e) to  
1-47 read as follows:

1-48 (c-1) The parties may agree to conduct one or more informal  
1-49 settlement conferences and may agree that the settlement  
1-50 conferences may be conducted with or without the presence of the  
1-51 parties' attorneys, if any.

1-52 (d) A written [mediated] settlement agreement reached at  
1-53 mediation or at an informal settlement conference is binding on the  
1-54 parties if the agreement:

1-55 (1) provides, in a prominently displayed statement  
1-56 that is in boldfaced type or capital letters or underlined, that the  
1-57 agreement is not subject to revocation;

1-58 (2) is signed by each party to the agreement; and

1-59 (3) is signed by the party's attorney, if any, who is  
1-60 present at the time the agreement is signed.

1-61 (e) If a written [mediated] settlement agreement meets the  
1-62 requirements of Subsection (d), a party is entitled to judgment on  
1-63 the [mediated] settlement agreement notwithstanding Rule 11, Texas

2-1 Rules of Civil Procedure, or another rule of law.

2-2 SECTION 6. Subsection (c), Section 155.301, Family Code, is  
2-3 amended to read as follows:

2-4 (c) Except as otherwise provided by this subsection, if ~~[if]~~  
2-5 a transfer of continuing, exclusive jurisdiction is sought under  
2-6 this section, the procedures for determining and effecting a  
2-7 transfer of proceedings provided by this chapter apply. If the  
2-8 parties submit to the court an agreed order for transfer, the court  
2-9 shall sign the order without the need for other pleadings.

2-10 SECTION 7. Subsection (b), Section 156.401, Family Code, is  
2-11 amended to read as follows:

2-12 (b) A support order may be modified with regard to the  
2-13 amount of support ordered only as to obligations accruing after the  
2-14 earlier of:

2-15 (1) the date of service of citation; or

2-16 (2) an appearance in the suit to modify.

2-17 SECTION 8. Section 156.409, Family Code, is amended by  
2-18 amending Subsection (a) and adding Subsection (a-1) to read as  
2-19 follows:

2-20 (a) The ~~[If the sole managing conservator of a child or the~~  
2-21 joint managing conservator who has the exclusive right to determine  
2-22 the primary residence of the child has voluntarily relinquished the  
2-23 primary care and possession of the child to another person for at  
2-24 least six months, the] court may modify an order providing for the  
2-25 support of a ~~[the]~~ child to provide that the ~~[other]~~ person having  
2-26 physical possession of the child, including a conservator or  
2-27 governmental entity, shall have the right to receive and give  
2-28 receipt for payments of support for the child and to hold or  
2-29 disburse money for the benefit of the child if the sole managing  
2-30 conservator of the child or the joint managing conservator who has  
2-31 the exclusive right to determine the primary residence of the child  
2-32 has:

2-33 (1) voluntarily relinquished the primary care and  
2-34 possession of the child to another person for at least six months;

2-35 (2) been incarcerated or sentenced to be incarcerated  
2-36 for at least 30 days; or

2-37 (3) relinquished the primary care and possession of  
2-38 the child under Chapter 262.

2-39 (a-1) If the court modifies a support order under this  
2-40 section, the court shall order the obligor to pay the person or  
2-41 entity having physical possession of the child any unpaid child  
2-42 support that is not subject to offset or reimbursement under  
2-43 Section 157.008 and that accrues after the date the sole or joint  
2-44 managing conservator:

2-45 (1) relinquishes possession and control of the child,  
2-46 whether voluntarily or under Chapter 262; or

2-47 (2) is incarcerated.

2-48 SECTION 9. Subsection (a), Section 157.005, Family Code, is  
2-49 amended to read as follows:

2-50 (a) The court retains jurisdiction to render a contempt  
2-51 order for failure to comply with the child support order if the  
2-52 motion for enforcement is filed not later than the second  
2-53 anniversary of ~~[sixth month after]~~ the date:

2-54 (1) the child becomes an adult; or

2-55 (2) on which the child support obligation terminates  
2-56 under the order or by operation of law.

2-57 SECTION 10. Subsection (a), Section 157.065, Family Code,  
2-58 is amended to read as follows:

2-59 (a) If a party has been ordered under Chapter 105 to provide  
2-60 the court and the state case registry with the party's current  
2-61 mailing address, notice of a hearing on a motion for enforcement may  
2-62 be served by mailing a copy of the notice to the respondent,  
2-63 together with a copy of the motion, by first class mail to the last  
2-64 mailing address of the respondent on file with the court and the  
2-65 registry.

2-66 SECTION 11. Subsections (a) and (c), Section 157.105,  
2-67 Family Code, are amended to read as follows:

2-68 (a) If the respondent is taken into custody and not released  
2-69 on bond, the respondent shall be brought before the court that

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

3-6 (c) If the court is not satisfied that the respondent's  
3-7 appearance in court can be assured and the respondent remains in  
3-8 custody, a hearing on the alleged contempt shall be held as soon as  
3-9 practicable, but not later than the seventh [~~fifth~~] day after the  
3-10 date that the respondent was taken into custody, unless the  
3-11 respondent and the respondent's attorney waive the accelerated  
3-12 hearing.

3-13 SECTION 12. Section 157.211, Family Code, is amended to  
3-14 read as follows:

3-15 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the  
3-16 court places the respondent on community supervision [~~and suspends~~  
3-17 ~~commitment~~], the terms and conditions of community supervision may  
3-18 include the requirement that the respondent:

3-19 (1) report to the community supervision officer as  
3-20 directed;

3-21 (2) permit the community supervision officer to visit  
3-22 the respondent at the respondent's home or elsewhere;

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

3-27 (4) pay required child support and any child support  
3-28 arrearages;

3-29 (5) pay court costs and attorney's fees ordered by the  
3-30 court;

3-31 (6) seek employment assistance services offered by the  
3-32 Texas Workforce Commission under Section 302.0035, Labor Code, if  
3-33 appropriate; [~~and~~]

3-34 (7) participate in mediation or other services to  
3-35 alleviate conditions that prevent the respondent from obeying the  
3-36 court's order; and

3-37 (8) submit to a period of confinement in a county jail  
3-38 beginning at any time during the community supervision period,  
3-39 except that the aggregate of all periods of confinement during the  
3-40 community supervision period may not exceed 180 days.

3-41 SECTION 13. Section 157.212, Family Code, is amended to  
3-42 read as follows:

3-43 Sec. 157.212. TERM OF COMMUNITY SUPERVISION. The initial  
3-44 period of community supervision [~~period~~] may not exceed 10 years.  
3-45 The court may continue the community supervision until the earlier  
3-46 of:

3-47 (1) the expiration of an additional two-year period  
3-48 beyond the 10 years; or

3-49 (2) the date on which all child support, including  
3-50 arrearages and interest, has been paid.

3-51 SECTION 14. Subsections (a) and (b), Section 157.216,  
3-52 Family Code, are amended to read as follows:

3-53 (a) The court shall hold a hearing without a jury not later  
3-54 than [~~on or before~~] the third [~~first~~] working day after the date the  
3-55 respondent is arrested under Section 157.215. If the court is  
3-56 unavailable for a hearing on that date, the hearing shall be held  
3-57 not later than the third [~~first~~] working day after the date the  
3-58 court becomes available.

3-59 (b) The hearing under this section may not be held later  
3-60 than the seventh [~~third~~] working day after the date the respondent  
3-61 is arrested.

3-62 SECTION 15. Subsection (c), Section 157.263, Family Code,  
3-63 is amended to read as follows:

3-64 (c) If the amount of arrearages confirmed by the court  
3-65 reflects a credit to the obligor for support arrearages collected  
3-66 from a federal tax refund under 42 U.S.C. Section 664, [~~as amended,~~]  
3-67 and, subsequently, the amount of that credit is reduced because the  
3-68 refund was adjusted because of an injured spouse claim by a jointly  
3-69 filing spouse, the tax return was amended, or the return was audited

4-1 by the Internal Revenue Service, or for another reason permitted by  
 4-2 law [~~based on a joint return under which another person was entitled~~  
 4-3 ~~to a share of the refund under 42 U.S.C. Section 664, as amended~~],  
 4-4 the court shall render a new cumulative judgment to include as  
 4-5 arrearages an amount equal to the amount by which the credit was  
 4-6 reduced.

4-7 SECTION 16. Subsection (b), Section 157.264, Family Code,  
 4-8 is amended to read as follows:

4-9 (b) The court shall [~~may~~] render an order requiring[+  
 4-10 [~~(1) that income be withheld from the disposable~~  
 4-11 ~~earnings of the obligor in an amount sufficient to discharge the~~  
 4-12 ~~judgment in not more than two years; or~~  
 4-13 [~~(2) if the obligor is not subject to income~~  
 4-14 ~~withholding,~~] that the obligor make periodic payments on the  
 4-15 judgment, including by income withholding under Chapter 158 if the  
 4-16 obligor is subject to income withholding [~~to the obligee in an~~  
 4-17 ~~amount sufficient to discharge the judgment within a reasonable~~  
 4-18 ~~time~~].

4-19 SECTION 17. Section 157.269, Family Code, is amended to  
 4-20 read as follows:

4-21 Sec. 157.269. RETENTION OF JURISDICTION. A court that  
 4-22 renders an order providing for the payment of child support  
 4-23 [~~arrearages~~] retains continuing jurisdiction to enforce the order,  
 4-24 including by adjusting the amount of the periodic payments to be  
 4-25 made by the obligor or the amount to be withheld from the obligor's  
 4-26 disposable earnings, until all current support and medical support  
 4-27 and child support arrearages, including interest and any applicable  
 4-28 fees and costs, have been paid.

4-29 SECTION 18. Subsections (a), (c), and (e), Section 157.313,  
 4-30 Family Code, are amended to read as follows:

4-31 (a) Except as provided by Subsection (e), a child support  
 4-32 lien notice must contain:

4-33 (1) the name and address of the person to whom the  
 4-34 notice is being sent;

4-35 (2) the style, docket or cause number, and identity of  
 4-36 the tribunal of this or another state having continuing  
 4-37 jurisdiction of the child support action and, if the case is a Title  
 4-38 IV-D case, the case number;

4-39 (3) the full name, address, and, if known, the birth  
 4-40 date, driver's license number, social security number, and any  
 4-41 aliases of the obligor;

4-42 (4) the full name and, if known, social security  
 4-43 number of the obligee;

4-44 (5) the amount of the current or prospective child  
 4-45 support obligation, the frequency with which current or prospective  
 4-46 child support is ordered to be paid, and the amount of child support  
 4-47 arrearages owed by the obligor and the date of the signing of the  
 4-48 court order, administrative order, or writ that determined the  
 4-49 arrearages or the date and manner in which the arrearages were  
 4-50 determined;

4-51 (6) the rate of interest specified in the court order,  
 4-52 administrative order, or writ or, in the absence of a specified  
 4-53 interest rate, the rate provided for by law;

4-54 (7) the name and address of the person or agency  
 4-55 asserting the lien;

4-56 (8) the motor vehicle identification number as shown  
 4-57 on the obligor's title if the property is a motor vehicle;

4-58 (9) a statement that the lien attaches to all  
 4-59 nonexempt real and personal property of the obligor that is located  
 4-60 or recorded in the state, including any property specifically  
 4-61 identified in the notice and any property acquired after the date of  
 4-62 filing or delivery of the notice;

4-63 (10) a statement that any ordered child support not  
 4-64 timely paid in the future constitutes a final judgment for the  
 4-65 amount due and owing, including interest, and accrues up to an  
 4-66 amount that may not exceed the lien amount; and

4-67 (11) a statement that the obligor is being provided a  
 4-68 copy of the lien notice and that the obligor may dispute the  
 4-69 arrearage amount by filing suit under Section 157.323.

5-1 (c) Except as provided by Subsection (e), the ~~The~~ lien  
5-2 notice must be verified.

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

5-7 SECTION 19. Subsection (a-1), Section 157.317, Family Code,  
5-8 is amended to read as follows:

5-9 (a-1) A lien attaches to all property owned on or acquired  
5-10 after the date the lien notice or abstract of judgment is filed with  
5-11 the county clerk of the county in which the property is located,  
5-12 with the court clerk as to property or claims in litigation, or, as  
5-13 to property of the obligor in the possession or control of a third  
5-14 party, from the date the lien notice is delivered to ~~filed with~~  
5-15 that party.

5-16 SECTION 20. Subchapter C, Chapter 158, Family Code, is  
5-17 amended by adding Section 158.214 to read as follows:

5-18 Sec. 158.214. WITHHOLDING FROM SEVERANCE PAY. (a) In this  
5-19 section, "severance pay" means income paid on termination of  
5-20 employment in addition to the employee's usual earnings from the  
5-21 employer at the time of termination.

5-22 (b) An employer receiving an order or writ of withholding  
5-23 under this chapter shall withhold from any severance pay owed an  
5-24 obligor an amount equal to the amount the employer would have  
5-25 withheld under the order or writ if the severance pay had been paid  
5-26 as the obligor's usual earnings as a current employee.

5-27 (c) The total amount that may be withheld under this section  
5-28 is subject to the maximum amount allowed to be withheld under  
5-29 Section 158.009.

5-30 SECTION 21. Subdivision (23), Section 159.102, Family Code,  
5-31 is amended to read as follows:

5-32 (23) "Support order" means a judgment, decree, ~~or~~  
5-33 order, or directive, whether temporary, final, or subject to  
5-34 modification, issued by a tribunal for the benefit of a child, a  
5-35 spouse, or a former spouse that provides for monetary support,  
5-36 health care, arrearages, or reimbursement and may include related  
5-37 costs and fees, interest, income withholding, attorney's fees, and  
5-38 other relief.

5-39 SECTION 22. Section 159.316, Family Code, is amended by  
5-40 adding Subsection (j) to read as follows:

5-41 (j) A voluntary acknowledgment of paternity, certified as a  
5-42 true copy, is admissible to establish parentage of the child.

5-43 SECTION 23. Section 161.206, Family Code, is amended by  
5-44 adding Subsection (d) to read as follows:

5-45 (d) An order rendered under this section must include a  
5-46 finding that:

5-47 (1) a request for identification of a court of  
5-48 continuing, exclusive jurisdiction has been made as required by  
5-49 Section 155.101; and

5-50 (2) all parties entitled to notice, including the  
5-51 Title IV-D agency, have been notified.

5-52 SECTION 24. Subsection (d), Section 201.104, Family Code,  
5-53 is amended to read as follows:

5-54 (d) An associate judge ~~Only the referring court~~ may hear  
5-55 and render an order on a motion for postjudgment relief, including a  
5-56 motion for a new trial or to vacate, correct, or reform a judgment  
5-57 rendered by the associate judge. An associate judge may not grant  
5-58 postjudgment relief under Rule 306a, 316, or 329, Texas Rules of  
5-59 Civil Procedure, that alters or affects any judicial action taken  
5-60 by the referring court on the associate judge's recommendation.

5-61 SECTION 25. Section 201.113, Family Code, is amended by  
5-62 adding Subsection (d) to read as follows:

5-63 (d) Section 2252.901, Government Code, does not apply to the  
5-64 appointment of a visiting associate judge under this section.

5-65 SECTION 26. Section 201.208, Family Code, is amended by  
5-66 adding Subsection (e) to read as follows:

5-67 (e) Section 2252.901, Government Code, does not apply to the  
5-68 appointment of a visiting associate judge under this section.

5-69 SECTION 27. Section 231.202, Family Code, is amended to

6-1 read as follows:

6-2 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D  
6-3 CASES. In a Title IV-D case filed under this title, including a  
6-4 case filed under Chapter 159, the Title IV-D agency shall pay:

6-5 (1) filing fees and fees for issuance and service of  
6-6 process as provided by Chapter 110 of this code and by Sections  
6-7 51.317, 51.318(b)(2), and 51.319(2), Government Code;

6-8 (2) fees for transfer as provided by Chapter 110;

6-9 (3) fees for the issuance and delivery of orders and  
6-10 writs of income withholding in the amounts provided by Chapter 110;

6-11 (4) the fee that sheriffs and constables are  
6-12 authorized to charge for serving process under Section 118.131,  
6-13 Local Government Code, for each item of process to each individual  
6-14 on whom service is required, including service by certified or  
6-15 registered mail, to be paid to a sheriff, constable, or clerk  
6-16 whenever service of process is required; ~~and~~

6-17 (5) the fee for filing an administrative writ of  
6-18 withholding under Section 158.503(d); and

6-19 (6) the fee for issuance of a subpoena as provided by  
6-20 Section 51.318(b)(1), Government Code.

6-21 SECTION 28. Subdivisions (1), (2), and (3), Section  
6-22 232.001, Family Code, are amended to read as follows:

6-23 (1) "License" means a license, certificate,  
6-24 registration, permit, or other authorization that:

6-25 (A) is issued by a licensing authority;

6-26 (B) is subject before expiration to renewal,  
6-27 suspension, revocation, forfeiture, or termination by a ~~the~~  
6-28 ~~issuing~~ licensing authority; and

6-29 (C) a person must obtain to:

6-30 (i) practice or engage in a particular  
6-31 business, occupation, or profession;

6-32 (ii) operate a motor vehicle on a public  
6-33 highway in this state; or

6-34 (iii) engage in any other regulated  
6-35 activity, including hunting, fishing, or other recreational  
6-36 activity for which a license or permit is required.

6-37 (2) "Licensing authority" means a department,  
6-38 commission, board, office, or other agency of the state or a  
6-39 political subdivision of the state that issues or renews a license  
6-40 or that otherwise has authority to suspend or refuse to renew a  
6-41 license.

6-42 (3) "Order suspending license" means an order issued  
6-43 by the Title IV-D agency or a court directing a licensing authority  
6-44 to suspend or refuse to renew a license.

6-45 SECTION 29. Section 232.002, Family Code, is amended to  
6-46 read as follows:

6-47 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.  
6-48 Unless otherwise restricted or exempted, all ~~[The following are]~~  
6-49 licensing authorities are subject to this chapter ~~[-~~

6-50 ~~[(1) Department of Agriculture,~~

6-51 ~~[(2) Texas Commission on Alcohol and Drug Abuse,~~

6-52 ~~[(3) Texas Alcoholic Beverage Commission,~~

6-53 ~~[(4) Texas Appraiser Licensing and Certification~~  
6-54 ~~Board,~~

6-55 ~~[(5) Texas Board of Architectural Examiners,~~

6-56 ~~[(6) State Board of Barber Examiners,~~

6-57 ~~[(7) Texas Board of Chiropractic Examiners,~~

6-58 ~~[(8) Comptroller of Public Accounts,~~

6-59 ~~[(9) Texas Cosmetology Commission,~~

6-60 ~~[(10) Court Reporters Certification Board,~~

6-61 ~~[(11) State Board of Dental Examiners,~~

6-62 ~~[(12) Texas State Board of Examiners of Dietitians,~~

6-63 ~~[(13) Texas Funeral Service Commission,~~

6-64 ~~[(14) Texas Department of Health,~~

6-65 ~~[(15) Texas Department of Human Services,~~

6-66 ~~[(16) Texas Board of Professional Land Surveying,~~

6-67 ~~[(17) Texas Department of Licensing and Regulation,~~

6-68 ~~[(18) Texas State Board of Examiners of Marriage and~~  
6-69 ~~Family Therapists,~~

- 7-1 [~~(19) Texas State Board of Medical Examiners,~~
- 7-2 [~~(20) Midwifery Board,~~
- 7-3 [~~(21) Texas Commission on Environmental Quality,~~
- 7-4 [~~(22) Board of Nurse Examiners,~~
- 7-5 [~~(23) Texas Board of Occupational Therapy Examiners,~~
- 7-6 [~~(24) Texas Optometry Board,~~
- 7-7 [~~(25) Parks and Wildlife Department,~~
- 7-8 [~~(26) Texas State Board of Examiners of Perfusionists,~~
- 7-9 [~~(27) Texas State Board of Pharmacy,~~
- 7-10 [~~(28) Texas Board of Physical Therapy Examiners,~~
- 7-11 [~~(29) Texas State Board of Plumbing Examiners,~~
- 7-12 [~~(30) Texas State Board of Podiatric Medical~~
- 7-13 ~~Examiners,~~
- 7-14 [~~(31) Polygraph Examiners Board,~~
- 7-15 [~~(32) Texas Commission on Private Security,~~
- 7-16 [~~(33) Texas State Board of Examiners of Professional~~
- 7-17 ~~Counselors,~~
- 7-18 [~~(34) Texas Board of Professional Engineers,~~
- 7-19 [~~(35) Department of Protective and Regulatory~~
- 7-20 ~~Services,~~
- 7-21 [~~(36) Texas State Board of Examiners of Psychologists,~~
- 7-22 [~~(37) Texas State Board of Public Accountancy,~~
- 7-23 [~~(38) Department of Public Safety of the State of~~
- 7-24 ~~Texas,~~
- 7-25 [~~(39) Public Utility Commission of Texas,~~
- 7-26 [~~(40) Railroad Commission of Texas,~~
- 7-27 [~~(41) Texas Real Estate Commission,~~
- 7-28 [~~(42) State Bar of Texas,~~
- 7-29 [~~(43) Texas State Board of Social Worker Examiners,~~
- 7-30 [~~(44) State Board of Examiners for Speech-Language~~
- 7-31 ~~Pathology and Audiology,~~
- 7-32 [~~(45) Texas Structural Pest Control Board,~~
- 7-33 [~~(46) Board of Tax Professional Examiners,~~
- 7-34 [~~(47) Secretary of State,~~
- 7-35 [~~(48) Supreme Court of Texas,~~
- 7-36 [~~(49) Texas Transportation Commission,~~
- 7-37 [~~(50) State Board of Veterinary Medical Examiners,~~
- 7-38 [~~(51) Texas Ethics Commission,~~
- 7-39 [~~(52) Advisory Board of Athletic Trainers,~~
- 7-40 [~~(53) State Committee of Examiners in the Fitting and~~
- 7-41 ~~Dispensing of Hearing Instruments,~~
- 7-42 [~~(54) Texas Board of Licensure for Professional~~
- 7-43 ~~Medical Physicists,~~
- 7-44 [~~(55) Texas Department of Insurance,~~
- 7-45 [~~(56) Texas Board of Orthotics and Prosthetics,~~
- 7-46 [~~(57) savings and loan commissioner,~~
- 7-47 [~~(58) Texas Juvenile Probation Commission, and~~
- 7-48 [~~(59) Texas Lottery Commission under Chapter 466,~~
- 7-49 ~~Government Code].~~

7-50 SECTION 30. Chapter 232, Family Code, is amended by adding  
7-51 Section 232.0022 to read as follows:

7-52 Sec. 232.0022. SUSPENSION OF MOTOR VEHICLE REGISTRATION.  
7-53 The Texas Department of Transportation is the appropriate licensing  
7-54 authority for suspension of a motor vehicle registration under this  
7-55 chapter. The general registration provisions of Chapter 502,  
7-56 Transportation Code, do not apply to the suspension or denial of a  
7-57 renewal of a motor vehicle registration under this chapter.

7-58 SECTION 31. Subsection (a), Section 232.004, Family Code,  
7-59 is amended to read as follows:

7-60 (a) A child support agency or obligee may file a petition to  
7-61 suspend, as provided by this chapter, a license of an obligor who  
7-62 has an arrearage equal to or greater than the total support due for  
7-63 three months [90 days] under a support order.

7-64 SECTION 32. Subsections (b) and (c), Section 232.006,  
7-65 Family Code, are amended to read as follows:

7-66 (b) Notice under this section may be served:  
7-67 (1) if the party has been ordered under Chapter 105 to  
7-68 provide the court and registry with the party's current mailing  
7-69 address, by mailing a copy of the notice to the respondent, together

8-1 with a copy of the petition, by first class mail to the last mailing  
 8-2 address of the respondent on file with the court and the state case  
 8-3 registry; or

8-4 (2) as in civil cases generally.

8-5 (c) The notice must contain the following prominently  
 8-6 displayed statement in boldfaced type, capital letters, or  
 8-7 underlined:

8-8 "AN ACTION TO SUSPEND ONE OR MORE LICENSES ISSUED TO YOU HAS  
 8-9 BEEN FILED AS PROVIDED BY CHAPTER 232, TEXAS FAMILY CODE. YOU MAY  
 8-10 EMPLOY AN ATTORNEY TO REPRESENT YOU IN THIS ACTION. IF YOU OR YOUR  
 8-11 ATTORNEY DO NOT REQUEST A HEARING BEFORE THE 21ST DAY AFTER THE DATE  
 8-12 OF SERVICE OF THIS NOTICE, AN ORDER SUSPENDING YOUR ~~[OF]~~ LICENSE  
 8-13 ~~[SUSPENSION]~~ MAY BE RENDERED."

8-14 SECTION 33. Chapter 232, Family Code, is amended by adding  
 8-15 Section 232.0135 to read as follows:

8-16 Sec. 232.0135. DENIAL OF LICENSE RENEWAL. (a) The Title  
 8-17 IV-D agency may provide a licensing authority with information  
 8-18 concerning an obligor who has failed to pay child support for six  
 8-19 months or more.

8-20 (b) A licensing authority that receives the information  
 8-21 described by Subsection (a) shall refuse to accept an application  
 8-22 for renewal of the license of the obligor until the authority is  
 8-23 notified by the Title IV-D agency that the obligor has:

8-24 (1) paid all child support arrearages;  
 8-25 (2) established with the Title IV-D agency a  
 8-26 satisfactory repayment schedule or is in compliance with a court  
 8-27 order for payment of the arrearages;

8-28 (3) been granted an exemption from this subsection as  
 8-29 part of a court-supervised plan to improve the obligor's earnings  
 8-30 and child support payments; or

8-31 (4) successfully contested the denial of renewal of  
 8-32 license under Subsection (d).

8-33 (c) On providing a licensing authority with the information  
 8-34 described by Subsection (a), the Title IV-D agency shall  
 8-35 immediately notify the obligor by first class mail that the  
 8-36 information has been provided and of the steps the obligor must take  
 8-37 to prevent the denial by the authority of an application for license  
 8-38 renewal or to permit the authority to accept the obligor's  
 8-39 application for renewal.

8-40 (d) An obligor receiving notice under Subsection (c) may  
 8-41 request a review by the Title IV-D agency to resolve any issue in  
 8-42 dispute regarding the identity of the obligor or the existence or  
 8-43 amount of child support arrearages. The Title IV-D agency shall  
 8-44 provide an opportunity for a review, either by telephone or in  
 8-45 person, as appropriate to the circumstances. After the review, if  
 8-46 appropriate, the Title IV-D agency may notify the licensing  
 8-47 authority that it may accept the obligor's application for renewal  
 8-48 of license. If the Title IV-D agency and the obligor fail to  
 8-49 resolve any issue in dispute, the obligor, not later than the 30th  
 8-50 day after the date of receiving notice of the Title IV-D agency's  
 8-51 determination from the review, may file a motion with the court to  
 8-52 direct the licensing authority to accept the obligor's application  
 8-53 for renewal of license and request a hearing on the motion. The  
 8-54 obligor's application for license renewal may not be accepted by  
 8-55 the licensing authority until the court rules on the motion.

8-56 (e) If an obligor enters into a repayment agreement with the  
 8-57 Title IV-D agency under this section, the Title IV-D agency may  
 8-58 incorporate the agreement in an order to be filed with and confirmed  
 8-59 by the court in the manner provided for agreed orders under Chapter  
 8-60 233.

8-61 SECTION 34. Section 232.014, Family Code, is amended to  
 8-62 read as follows:

8-63 Sec. 232.014. FEE BY LICENSING AUTHORITY. A licensing  
 8-64 authority may charge a fee to an individual who is the subject of an  
 8-65 order suspending license or of an action by the Title IV-D agency to  
 8-66 deny renewal of license in an amount sufficient to recover the  
 8-67 administrative costs incurred by the authority under this chapter.  
 8-68 The amount charged may not exceed the actual costs incurred.

8-69 SECTION 35. Subsection (c), Section 234.001, Family Code,



9-1 is amended to read as follows:

9-2 (c) The state disbursement unit shall:

9-3 (1) receive, maintain, and furnish records of child  
9-4 support payments in Title IV-D cases and other cases as authorized  
9-5 by law;

9-6 (2) forward child support payments as authorized by  
9-7 law;

9-8 (3) maintain records of child support payments  
9-9 [~~payment records~~] made through the state disbursement unit; and

9-10 (4) make available to a local registry each day in a  
9-11 manner determined by the Title IV-D agency [~~with the assistance of~~  
9-12 ~~the work group established under Section 234.003~~] the following  
9-13 information:

9-14 (A) the cause number of the suit under which  
9-15 withholding is required;

9-16 (B) the payor's name and social security number;

9-17 (C) the payee's name and, if available, social  
9-18 security number;

9-19 (D) the date the disbursement unit received the  
9-20 payment;

9-21 (E) the amount of the payment; and

9-22 (F) the instrument identification information.

9-23 SECTION 36. Section 234.006, Family Code, is amended to  
9-24 read as follows:

9-25 Sec. 234.006. RULEMAKING [~~EFFECTIVE DATE AND PROCEDURES~~].  
9-26 The Title IV-D agency [~~, in cooperation with the work group~~  
9-27 ~~established under Section 234.003,~~] may adopt rules in compliance  
9-28 with federal law for the operation of the state case registry and  
9-29 the state disbursement unit.

9-30 SECTION 37. Subchapter B, Chapter 234, Family Code, is  
9-31 amended by adding Section 234.105 to read as follows:

9-32 Sec. 234.105. CIVIL PENALTY. (a) In addition to any other  
9-33 remedy provided by law, an employer who knowingly violates a  
9-34 procedure adopted under Section 234.104 for reporting employee  
9-35 information may be liable for a civil penalty as permitted by  
9-36 Section 453A(d) of the federal Social Security Act (42 U.S.C.  
9-37 Section 653a).

9-38 (b) The amount of the civil penalty may not exceed:

9-39 (1) \$25 for each occurrence in which an employer fails  
9-40 to report an employee; or

9-41 (2) \$500 for each occurrence in which the conduct  
9-42 described by Subdivision (1) is the result of a conspiracy between  
9-43 the employer and an employee to not supply a required report or to  
9-44 submit a false or incomplete report.

9-45 (c) The attorney general may sue to collect the civil  
9-46 penalty. A penalty collected under this section shall be deposited  
9-47 in a special fund in the state treasury.

9-48 SECTION 38. Section 804.001, Government Code, is amended by  
9-49 amending Subdivisions (1) and (2) and adding Subdivision (1-a) to  
9-50 read as follows:

9-51 (1) "Alternate payee" means a spouse, former spouse,  
9-52 child support obligee, child, or other dependent of a member or  
9-53 retiree who is recognized by a domestic relations order as having a  
9-54 right to receive all or a portion of the benefits payable by a  
9-55 public retirement system with respect to such member or retiree.

9-56 (1-a) "Child support obligee" has the meaning assigned  
9-57 to "obligee" by Section 101.021, Family Code.

9-58 (2) "Domestic relations order" means any judgment,  
9-59 decree, or order, including approval of a property settlement  
9-60 agreement, which relates to the provision of child support, alimony  
9-61 payments, or marital property rights to a spouse, former spouse,  
9-62 child support obligee, child, or other dependent of a member or  
9-63 retiree, and is made pursuant to a domestic relations law,  
9-64 including a community property law of the State of Texas or of  
9-65 another state.

9-66 SECTION 39. Subsections (a) and (d), Section 207.093, Labor  
9-67 Code, are amended to read as follows:

9-68 (a) The commission shall withhold from the benefits payable  
9-69 to an individual that owes a child support obligation an amount

10-1 equal to:

10-2 (1) any amount required to be withheld under legal  
10-3 process properly served on the commission;

10-4 (2) if Subdivision (1) does not apply, the amount  
10-5 determined under an agreement submitted to the commission under  
10-6 Section 454(19)(B)(i) [~~454(20)(B)(i)~~] of the Social Security Act  
10-7 (42 U.S.C. Section 654) by the state or local child support  
10-8 enforcement agency; or

10-9 (3) if neither Subdivision (1) or (2) applies, the  
10-10 amount the individual specifies to the commission to be withheld.

10-11 (d) In this section, "legal process" has the meaning  
10-12 assigned by Section 459(i)(5) [~~462(e)~~] of the Social Security Act  
10-13 (42 U.S.C. Section 659 [~~662~~]).

10-14 SECTION 40. Subdivision (9), Section 501.002,  
10-15 Transportation Code, is amended to read as follows:

10-16 (9) "Lien" means:

10-17 (A) a lien provided for by the constitution or  
10-18 statute in a motor vehicle; [~~or~~]

10-19 (B) a security interest, as defined by Section  
10-20 1.201, Business & Commerce Code, in a motor vehicle, other than an  
10-21 absolute title, created by any written security agreement, as  
10-22 defined by Section 9.102, Business & Commerce Code, including a  
10-23 lease, conditional sales contract, deed of trust, chattel mortgage,  
10-24 trust receipt, or reservation of title; or

10-25 (C) a child support lien under Chapter 157,  
10-26 Family Code.

10-27 SECTION 41. Subsection (e), Section 201.104, Family Code,  
10-28 is repealed.

10-29 SECTION 42. (a) The change in law made by this Act relating  
10-30 to a court order establishing paternity or the obligation to pay  
10-31 child support applies only to a suit affecting the parent-child  
10-32 relationship filed on or after the effective date of this Act. A  
10-33 suit affecting the parent-child relationship filed before the  
10-34 effective date of this Act is governed by the law in effect on the  
10-35 date the suit was filed, and the former law is continued in effect  
10-36 for that purpose.

10-37 (b) The change in law made by this Act relating to the  
10-38 modification or enforcement of a child support order rendered  
10-39 before the effective date of this Act applies only to a proceeding  
10-40 for modification or enforcement that is commenced on or after the  
10-41 effective date of this Act. A proceeding for modification or  
10-42 enforcement that is commenced before the effective date of this Act  
10-43 is governed by the law in effect on the date the proceeding was  
10-44 commenced, and the former law is continued in effect for that  
10-45 purpose.

10-46 (c) The change in law made by this Act by the enactment of  
10-47 Section 234.105, Family Code, applies only to a violation that  
10-48 occurs on or after the effective date of this Act. A violation that  
10-49 occurs before that date is governed by the law in effect on the date  
10-50 the violation occurred, and the former law is continued in effect  
10-51 for that purpose.

10-52 SECTION 43. This Act takes effect September 1, 2005.

10-53 \* \* \* \* \*