

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 5, 2005

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3136 by Castro (Relating to the enforcement of child support arrearages by imposition of a lien on the obligor's property or a levy on the obligor's financial assets.), **As Introduced**

The bill relates to the enforcement of child support arrearages by the imposition of a lien on the obligor's property or a levy on the obligor's financial assets. The bill would bar a lien on property and assets in cases where arrearages are less than 31 days delinquent. The Office of the Attorney General (OAG) Child Support Program currently files liens on paying cases under some circumstances, usually on a case with significant arrears and a considerable amount in a financial institution account. The bill would prevent these liens from being filed unless they were at least 31 days delinquent.

According to the Office of the Attorney General (OAG), federal law does not provide for cases to be exempt from obtaining liens against an obligor's financial assets. The OAG's Child Support Division must maintain an approved State Plan demonstrating the agency's compliance with federal laws and regulations in order to receive federal funds from the Federal Office of Child Support Enforcement. During the 2006-07 biennium, the OAG's Child Support Division expects to receive approximately \$414 million in federal matching funds and performance incentives which could be jeopardized with the passage of this legislation.

Updates to OAG policies, procedures and training materials would be required as a result of the bill, as well as minor changes to existing child support system, TXCSES. It is anticipated that any increases in workload could be absorbed within current resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, LB, MS