

Amend CSHB 983 by striking page 1, line 5, through page 2, line 8, and substituting the following:

SECTION 1. Subchapter A, Chapter 157, Family Code, is amended by adding Section 157.009 to read as follows:

Sec. 157.009. AFFIRMATIVE DEFENSE TO MOTION FOR ENFORCEMENT OF CHILD SUPPORT: DISABILITY PAYMENTS. (a) This section applies only to an obligor who has a disability and who is required to pay support for a child who receives benefits as a result of the obligor's disability.

(b) An obligor may plead as an affirmative defense in whole or in part to a motion for enforcement of child support that the obligor is entitled to an offset against the obligee's claim for child support arrearages and interest in an amount equal to the amount of any benefit payments, including lump-sum benefit payments, made as a result of the obligor's disability to the obligee as the representative payee of the child.

(c) The offset permitted under this section may be applied only against arrearages and interest that accrued during the period of the obligor's disability and that are not assigned to the Title IV-D agency under Section 231.104(a).

(d) To the extent that this section conflicts with Subchapter F, this section prevails.

SECTION 2. Section 157.009, Family Code, as added by this Act, applies to a motion for enforcement of child support that is pending before a trial court on or filed on or after the effective date of this Act.