

BILL ANALYSIS

H.B. 445
By: Phillips
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Neither the current Family Code nor case law expressly states which party has the burden of proof when seeking an offset to a claim for reimbursement.

H.B.445 clarifies which party making the claim has the burden of proof with respect to the offset.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1: Amends Section 3.408 of the Family Code by adding Subsection (e) to provide that the party seeking an offset to a claim for reimbursement has the burden of proof with respect to the offset.

SECTION 2: The change in law made by this Act applies only to a suit for dissolution of marriage pending before a trial court on or filed on or after the effective date of this Act.

EFFECTIVE DATE

September 1, 2007.