

BILL ANALYSIS

H.B. 448
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the Family Code does not give courts guidance regarding how to calculate the cost of health insurance when multiple children are covered by the same policy but some of those children are not from the marriage covered by the order. In addition, the top net resources dollar bracket has not been adjusted in more than a decade and the current statutes are not clear regarding the court's discretion in addressing child support to be paid by certain lower wage earners.

H.B.448 provides a formula for determining cost of health insurance when multiple children are covered by the same policy but some of those children are not from the marriage covered by the order, to adjust the top dollar bracket for the net resources calculation, and clarifies existing law regarding the discretion of the court in establishing child support amounts for lower wage earners.

Finally, H.B.448 raises the net resources of the obligor from \$6,000 to \$7,500 or less, to which guidelines for the support of a child are applied and determined.

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: Provides that in calculating expenses for health insurance coverage, if the obligor has other minor dependents covered under the same health coverage the court shall divide the total cost to the obligor of the coverage by the total number of dependents, including the child that is the subject of the order.

SECTION 2: Increases the top dollar amount of net resources, subject to the presumptive child support formulas from \$6000 per month to \$7500 per month and provides that, if the obligor's net resources are less than \$2000 per month, the court may order additional support above the formula based on the income of each of the parties and the proven needs of the child. The obligor may not be required to pay more than the greater of the presumptive amount under the formula or 100 percent of the proven needs of the child.

SECTION 3: Increases from \$6000 per month to \$7500 per month the amount of net resources below which the court shall apply the child support guidelines presumptively and above which the court may order additional support based on the income of the parties and the proven needs of the child. Limits the additional amount of support that higher wage earners may be required to pay to the greater of the presumptive amount or 100 percent of the proven needs of the child.

SECTION 4: Increases from \$6000 to \$7500 the amount of net resources in the statutorily required findings the court must make under certain circumstances.

SECTION 5: Provides that in calculating child support to be withheld for health expenses, if the obligee has other minor dependents covered under the same health coverage the court shall divide the total cost to the obligee of the coverage by the total number of dependents, including the child that is the subject of the order.

SECTION 6: Provides that if the court finds that the obligee will maintain health coverage for the child at the obligee's expense, and the obligee has other minor dependents under the same health coverage, in determining the total expense to the obligee of maintaining the coverage, the court shall divide the total cost to the obligee of the coverage by the total number of dependents, including the child that is the subject of the order.

SECTION 7: Provides that the changes in law made by this Act apply only to a proceeding to establish or modify a child support obligation that is pending or filed after the effective date of this Act.

SECTION 8: Provides that this Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007