

BILL ANALYSIS

H.B. 779
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law provides that a copy of a payment record attached to a motion for contempt is evidence of payments made as a matter of fact, however, direct payments made to an obligee will not and do not show up in a payment record unless evidenced by an affidavit of direct pay. Some courts accept an affidavit of direct pay, or other documents to show proof of payment including canceled checks or money orders made payable to the obligee while others do not.

H.B.779 allows a respondent to offer evidence of direct pay as a means of satisfying payments made in a child support order.

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 157.162, of the Family Code by adding Subsection (d) to provide that a court may not find a respondent in contempt of court for failure to pay child support if the respondent appears at the hearing with a copy of the payment record or other evidence satisfactory to the court showing that the respondent is current in the payment of child support.
- Section 2.** Prospective provisions.
- Section 3.** This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007