

## **BILL ANALYSIS**

Senate Research Center  
80R1183 KKA-D

H.B. 781  
By: Dutton (Gallegos)  
Jurisprudence  
5/18/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current Texas law does not allow direct payments to an obligee from an obligor to be considered as credit toward a child support order. Often times, if there is an emergency need for the funds, and the processing of a payment through the state disbursement unit would place an undue burden on the obligee, an obligor will pay a child support payment directly to the obligee instead of the state disbursement unit or other intermediary.

H.B. 781 requires the court to grant a credit for direct payments made by the obligor if the obligee acknowledges such payments in an affidavit filed with the court.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter F, Chapter 57, Family Code, by adding Section 157.2631, as follows:

Sec. 157.2631. CREDIT FOR DIRECT PAYMENTS. (a) Defines "direct payment."

(b) Requires the court, in confirming the amount of child support arrearages and rendering a cumulative money judgment under this subchapter (Judgment and Interest), to grant a credit to the obligor equal to the amount of any direct payments made by the obligor and acknowledged by the obligee in an affidavit executed by the obligee and filed with the court.

(c) Provides that this section is not intended to alter the requirement prescribed by Section 154.004 (Time Limitations; Enforcement of Possession) that the court order the payment of child support to the state disbursement unit as provided by Chapter 234 (State Case Registry, Disbursement Unit, and Directory of New Hires).

SECTION 2. Makes application of Section 157.2631, Family Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.