

BILL ANALYSIS

H.B. 781
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law does not allow direct payments to an obligee from an obligor to be considered as credit towards 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 simply allows for credit of direct payments made, in confirming child support arrearages so long as the obligee acknowledges such payments in an affidavit filed with the court.

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 Subchapter F, Chapter 157, of the Family Code by adding Section 157.2631 to allow credit for direct payments made from the obligor to the obligee. (a) provides that "direct payment" means a child support payment that is not made through the state disbursement unit or another similar intermediary, but instead is made by the obligor directly to the obligee. (b) In confirming the amount of child support arrearages and rendering a cumulative money judgment under this subchapter, the court shall 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) This section is not intended to alter the requirement prescribed by Section 154.004 that the court order the payment of child support to the state disbursement unit as provided by Chapter 234.

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.