

By: Phillips

H.B. No. 448

A BILL TO BE ENTITLED

AN ACT

relating to the calculation of child support obligations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.062, Family Code, is amended by adding Subsection (e) to read as follows:

(e) In calculating expenses for health insurance coverage for an obligor's child under Subsection (d)(5), if the obligor has other minor dependents covered under the same health insurance plan, the court shall divide the total cost to the obligor for the insurance by the total number of minor dependents, including the child, covered under the plan.

SECTION 2. Section 154.125, Family Code, is amended to read as follows:

Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES ~~[OF \$6,000 OR LESS]~~. (a) The guidelines for the support of a child in this section are specifically designed to apply to situations in which the obligor's monthly net resources are not greater than \$7,500 or the adjusted amount determined under Subsection (a-1), whichever is greater ~~[\$6,000 or less]~~.

(a-1) The dollar amount prescribed by Subsection (a) is adjusted every six years as necessary to reflect inflation. The Title IV-D agency shall compute the adjusted amount, to take effect beginning September 1 of the year of the adjustment, based on the percentage change during the preceding six-year period in the

1 consumer price index, as rounded to the nearest \$50 increment. The
2 Title IV-D agency shall publish the adjusted amount in the Texas
3 Register before September 1 of the year in which the adjustment
4 takes effect. For purposes of this subsection, "consumer price
5 index" has the meaning assigned by Section 341.201, Finance Code.

6 (a-2) The initial adjustment required by Subsection (a-1)
7 shall take effect September 1, 2013. This subsection expires
8 September 1, 2014.

9 (b) If the obligor's monthly net resources are not greater
10 than the amount provided by Subsection (a) [~~\$6,000 or less~~], the
11 court shall presumptively apply the following schedule in rendering
12 the child support order:

13 CHILD SUPPORT GUIDELINES

14 BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

15 1 child	20% of Obligor's Net Resources
16 2 children	25% of Obligor's Net Resources
17 3 children	30% of Obligor's Net Resources
18 4 children	35% of Obligor's Net Resources
19 5 children	40% of Obligor's Net Resources
20 6+ children	Not less than the amount for 5 children

21 SECTION 3. Section 154.126, Family Code, is amended to read
22 as follows:

23 Sec. 154.126. APPLICATION OF GUIDELINES TO ADDITIONAL NET
24 RESOURCES [~~OF MORE THAN \$6,000 MONTHLY~~]. (a) If the obligor's net
25 resources exceed the amount provided by Section 154.125(a) [~~\$6,000~~
26 per month], the court shall presumptively apply the percentage
27 guidelines to the portion [~~first \$6,000~~] of the obligor's net

1 resources that does not exceed that amount. Without further
2 reference to the percentage recommended by these guidelines, the
3 court may order additional amounts of child support as appropriate,
4 depending on the income of the parties and the proven needs of the
5 child.

6 (b) The proper calculation of a child support order that
7 exceeds the presumptive amount established for the portion [~~first~~
8 ~~\$6,000~~] of the obligor's net resources provided by Section
9 154.125(a) requires that the entire amount of the presumptive award
10 be subtracted from the proven total needs of the child. After the
11 presumptive award is subtracted, the court shall allocate between
12 the parties the responsibility to meet the additional needs of the
13 child according to the circumstances of the parties. However, in no
14 event may the obligor be required to pay more child support than the
15 greater of the presumptive amount or the amount equal to 100 percent
16 of the proven needs of the child.

17 SECTION 4. Section 154.130(b), Family Code, is amended to
18 read as follows:

19 (b) If findings are required by this section, the court
20 shall state whether the application of the guidelines would be
21 unjust or inappropriate and shall state the following in the child
22 support order:

23 "(1) the monthly net resources of the obligor per
24 month are \$_____;

25 "(2) the monthly net resources of the obligee per
26 month are \$_____;

27 "(3) the percentage applied to the obligor's net

1 resources for child support by the actual order rendered by the
2 court is _____%;

3 "(4) the amount of child support if the percentage
4 guidelines are applied to the portion [~~first \$6,000~~] of the
5 obligor's net resources that does not exceed the amount provided by
6 Section 154.125(a), Family Code, is \$_____;

7 "(5) if applicable, the specific reasons that the
8 amount of child support per month ordered by the court varies from
9 the amount stated in Subdivision (4) are: _____; and

10 "(6) if applicable, the obligor is obligated to
11 support children in more than one household, and:

12 "(A) the number of children before the court is
13 _____;

14 "(B) the number of children not before the court
15 residing in the same household with the obligor is _____; and

16 "(C) the number of children not before the court
17 for whom the obligor is obligated by a court order to pay support,
18 without regard to whether the obligor is delinquent in child
19 support payments, and who are not counted under Paragraph (A) or (B)
20 is _____."

21 SECTION 5. Section 154.182, Family Code, is amended by
22 adding Subsection (d) to read as follows:

23 (d) In calculating the additional child support to be
24 withheld under Subsection (b)(2), if the obligee has other minor
25 dependents covered under the same health insurance plan, the court
26 shall divide the total cost to the obligee for the insurance by the
27 total number of minor dependents, including the child, covered

1 under the plan.

2 SECTION 6. Section 154.183(b), Family Code, is amended to
3 read as follows:

4 (b) If the court finds and states in the child support order
5 that the obligee will maintain health insurance coverage for the
6 child at the obligee's expense, the court may increase the amount of
7 child support to be paid by the obligor in an amount not exceeding
8 the total expense to the obligee for maintaining health insurance
9 coverage. In calculating the total expense to the obligee for
10 maintaining health insurance for the child under this subsection,
11 if the obligee has other minor dependents covered under the same
12 health insurance plan, the court shall divide the total expense to
13 the obligee for the insurance by the total number of minor
14 dependents, including the child, covered under the plan.

15 SECTION 7. The changes in law made by this Act to Sections
16 154.125, 154.126, and 154.130(b), Family Code, apply only to a suit
17 affecting the parent-child relationship that is commenced on or
18 after September 1, 2007. A suit affecting the parent-child
19 relationship commenced before September 1, 2007, is governed by the
20 law in effect on the date the suit was filed, and the former law is
21 continued in effect for that purpose.

22 SECTION 8. The changes in law made by this Act apply only to
23 a proceeding to establish or modify a child support obligation that
24 is pending on or filed on or after the effective date of this Act.

25 SECTION 9. This Act takes effect September 1, 2007.