

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 \$7,500 [~~\$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 \$7,500 [~~\$6,000~~] or less.

(b) If the obligor's monthly net resources are \$7,500 [~~\$6,000~~] or less, the court shall presumptively apply the following schedule in rendering the child support order:

CHILD SUPPORT GUIDELINES

BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1 child 20% of Obligor's Net Resources

1	2 children	25% of Obligor's Net Resources
2	3 children	30% of Obligor's Net Resources
3	4 children	35% of Obligor's Net Resources
4	5 children	40% of Obligor's Net Resources
5	6+ children	Not less than the amount for 5 children

6 (c) If the obligor's monthly net resources are less than
7 \$2,000, the court may order, after application of the guidelines,
8 additional amounts of child support as appropriate, based on the
9 income of each of the parties and the proven needs of the child,
10 except that the obligor may not be required to pay an additional
11 amount of child support that is more than the greater of the
12 presumptive amount under Subsection (b) or the amount equal to 100
13 percent of the proven needs of the child.

14 SECTION 3. Section 154.126, Family Code, is amended to read
15 as follows:

16 Sec. 154.126. APPLICATION OF GUIDELINES TO NET RESOURCES OF
17 MORE THAN \$7,500 [~~\$6,000~~] MONTHLY. (a) If the obligor's net
18 resources exceed \$7,500 [~~\$6,000~~] per month, the court shall
19 presumptively apply the percentage guidelines to the first \$7,500
20 [~~\$6,000~~] of the obligor's net resources. Without further reference
21 to the percentage recommended by these guidelines, the court may
22 order additional amounts of child support as appropriate, depending
23 on the income of the parties and the proven needs of the child.

24 (b) The proper calculation of a child support order that
25 exceeds the presumptive amount established for the first \$7,500
26 [~~\$6,000~~] of the obligor's net resources requires that the entire
27 amount of the presumptive award be subtracted from the proven total

1 needs of the child. After the presumptive award is subtracted, the
2 court shall allocate between the parties the responsibility to meet
3 the additional needs of the child according to the circumstances of
4 the parties, except that [~~However, in no event may~~] the obligor
5 may not be required to pay an additional amount of [~~more~~] child
6 support that is more than the greater of the presumptive amount or
7 the amount equal to 100 percent of the proven needs of the child.

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

10 (b) If findings are required by this section, the court
11 shall state whether the application of the guidelines would be
12 unjust or inappropriate and shall state the following in the child
13 support order:

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

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

18 "(3) the percentage applied to the obligor's net
19 resources for child support by the actual order rendered by the
20 court is _____%;

21 "(4) the amount of child support if the percentage
22 guidelines are applied to the first \$7,500 [~~\$6,000~~] of the
23 obligor's net resources is \$_____;

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

27 "(6) if applicable, the obligor is obligated to support

1 children in more than one household, and:

2 "(A) the number of children before the court is
3 _____;

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

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

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

13 (d) In calculating the additional child support to be
14 withheld under Subsection (b)(2), if the obligee has other minor
15 dependents covered under the same health insurance plan, the court
16 shall divide the total cost to the obligee for the insurance by the
17 total number of minor dependents, including the child, covered
18 under the plan.

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

21 (b) If the court finds and states in the child support order
22 that the obligee will maintain health insurance coverage for the
23 child at the obligee's expense, the court may increase the amount of
24 child support to be paid by the obligor in an amount not exceeding
25 the total expense to the obligee for maintaining health insurance
26 coverage. In calculating the total expense to the obligee for
27 maintaining health insurance for the child under this subsection,

1 if the obligee has other minor dependents covered under the same
2 health insurance plan, the court shall divide the total expense to
3 the obligee for the insurance by the total number of minor
4 dependents, including the child, covered under the plan.

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

8 SECTION 8. This Act takes effect September 1, 2007.