

1-1 By: Phillips (Senate Sponsor - Harris) H.B. No. 448
1-2 (In the Senate - Received from the House May 11, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 19, 2007, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 19, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the calculation of child support obligations.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 154.062, Family Code, is amended by
1-11 adding Subsection (e) to read as follows:

1-12 (e) In calculating expenses for health insurance coverage
1-13 for an obligor's child under Subsection (d)(5), if the obligor has
1-14 other minor dependents covered under the same health insurance
1-15 plan, the court shall divide the total cost to the obligor for the
1-16 insurance by the total number of minor dependents, including the
1-17 child, covered under the plan.

1-18 SECTION 2. Section 154.125, Family Code, is amended to read
1-19 as follows:

1-20 Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES
1-21 [~~OF \$6,000 OR LESS~~]. (a) The guidelines for the support of a child
1-22 in this section are specifically designed to apply to situations in
1-23 which the obligor's monthly net resources are not greater than
1-24 \$7,500 or the adjusted amount determined under Subsection (a-1),
1-25 whichever is greater [~~\$6,000 or less~~].

1-26 (a-1) The dollar amount prescribed by Subsection (a) is
1-27 adjusted every six years as necessary to reflect inflation. The
1-28 Title IV-D agency shall compute the adjusted amount, to take effect
1-29 beginning September 1 of the year of the adjustment, based on the
1-30 percentage change during the preceding six-year period in the
1-31 consumer price index, as rounded to the nearest \$50 increment. The
1-32 Title IV-D agency shall publish the adjusted amount in the Texas
1-33 Register before September 1 of the year in which the adjustment
1-34 takes effect. For purposes of this subsection, "consumer price
1-35 index" has the meaning assigned by Section 341.201, Finance Code.

1-36 (a-2) The initial adjustment required by Subsection (a-1)
1-37 shall take effect September 1, 2013. This subsection expires
1-38 September 1, 2014.

1-39 (b) If the obligor's monthly net resources are not greater
1-40 than the amount provided by Subsection (a) [~~\$6,000 or less~~], the
1-41 court shall presumptively apply the following schedule in rendering
1-42 the child support order:

1-43 CHILD SUPPORT GUIDELINES

1-44 BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1-45 1 child	20% of Obligor's Net Resources
1-46 2 children	25% of Obligor's Net Resources
1-47 3 children	30% of Obligor's Net Resources
1-48 4 children	35% of Obligor's Net Resources
1-49 5 children	40% of Obligor's Net Resources
1-50 6+ children	Not less than the amount for 5 children

1-51 SECTION 3. Section 154.126, Family Code, is amended to read
1-52 as follows:

1-53 Sec. 154.126. APPLICATION OF GUIDELINES TO ADDITIONAL NET
1-54 RESOURCES [~~OF MORE THAN \$6,000 MONTHLY~~]. (a) If the obligor's net
1-55 resources exceed the amount provided by Section 154.125(a) [~~\$6,000~~
1-56 per month], the court shall presumptively apply the percentage
1-57 guidelines to the portion [~~first \$6,000~~] of the obligor's net
1-58 resources that does not exceed that amount. Without further
1-59 reference to the percentage recommended by these guidelines, the
1-60 court may order additional amounts of child support as appropriate,
1-61 depending on the income of the parties and the proven needs of the
1-62 child.

1-63 (b) The proper calculation of a child support order that
1-64 exceeds the presumptive amount established for the portion [~~first~~

2-1 ~~\$6,000~~] of the obligor's net resources provided by Section
 2-2 154.125(a) requires that the entire amount of the presumptive award
 2-3 be subtracted from the proven total needs of the child. After the
 2-4 presumptive award is subtracted, the court shall allocate between
 2-5 the parties the responsibility to meet the additional needs of the
 2-6 child according to the circumstances of the parties. However, in no
 2-7 event may the obligor be required to pay more child support than the
 2-8 greater of the presumptive amount or the amount equal to 100 percent
 2-9 of the proven needs of the child.

2-10 SECTION 4. Section 154.130(b), Family Code, is amended to
 2-11 read as follows:

2-12 (b) If findings are required by this section, the court
 2-13 shall state whether the application of the guidelines would be
 2-14 unjust or inappropriate and shall state the following in the child
 2-15 support order:

2-16 "(1) the monthly net resources of the obligor per
 2-17 month are \$_____;

2-18 "(2) the monthly net resources of the obligee per
 2-19 month are \$_____;

2-20 "(3) the percentage applied to the obligor's net
 2-21 resources for child support by the actual order rendered by the
 2-22 court is _____%;

2-23 "(4) the amount of child support if the percentage
 2-24 guidelines are applied to the portion [first ~~\$6,000~~] of the
 2-25 obligor's net resources that does not exceed the amount provided by
 2-26 Section 154.125(a), Family Code, is \$_____;

2-27 "(5) if applicable, the specific reasons that the
 2-28 amount of child support per month ordered by the court varies from
 2-29 the amount stated in Subdivision (4) are: _____; and

2-30 "(6) if applicable, the obligor is obligated to
 2-31 support children in more than one household, and:

2-32 "(A) the number of children before the court is
 2-33 _____;

2-34 "(B) the number of children not before the court
 2-35 residing in the same household with the obligor is _____; and

2-36 "(C) the number of children not before the court
 2-37 for whom the obligor is obligated by a court order to pay support,
 2-38 without regard to whether the obligor is delinquent in child
 2-39 support payments, and who are not counted under Paragraph (A) or (B)
 2-40 is _____."

2-41 SECTION 5. Section 154.182, Family Code, is amended by
 2-42 adding Subsection (d) to read as follows:

2-43 (d) In calculating the additional child support to be
 2-44 withheld under Subsection (b)(2), if the obligee has other minor
 2-45 dependents covered under the same health insurance plan, the court
 2-46 shall divide the total cost to the obligee for the insurance by the
 2-47 total number of minor dependents, including the child, covered
 2-48 under the plan.

2-49 SECTION 6. Section 154.183(b), Family Code, is amended to
 2-50 read as follows:

2-51 (b) If the court finds and states in the child support order
 2-52 that the obligee will maintain health insurance coverage for the
 2-53 child at the obligee's expense, the court may increase the amount of
 2-54 child support to be paid by the obligor in an amount not exceeding
 2-55 the total expense to the obligee for maintaining health insurance
 2-56 coverage. In calculating the total expense to the obligee for
 2-57 maintaining health insurance for the child under this subsection,
 2-58 if the obligee has other minor dependents covered under the same
 2-59 health insurance plan, the court shall divide the total expense to
 2-60 the obligee for the insurance by the total number of minor
 2-61 dependents, including the child, covered under the plan.

2-62 SECTION 7. The changes in law made by this Act to Sections
 2-63 154.125, 154.126, and 154.130(b), Family Code, apply only to a suit
 2-64 affecting the parent-child relationship that is commenced on or
 2-65 after September 1, 2007. A suit affecting the parent-child
 2-66 relationship commenced before September 1, 2007, is governed by the
 2-67 law in effect on the date the suit was filed, and the former law is
 2-68 continued in effect for that purpose.

2-69 SECTION 8. The changes in law made by this Act apply only to

3-1 a proceeding to establish or modify a child support obligation that
3-2 is pending on or filed on or after the effective date of this Act.
3-3 SECTION 9. This Act takes effect September 1, 2007.

3-4

* * * * *