

By: Dutton, Laubenberg, Van Arsdale, Escobar

H.B. No. 773

A BILL TO BE ENTITLED

1 AN ACT

2 relating to consideration of the financial resources of each
3 parent of a child in determining the amount of required periodic
4 child support payments.

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

6 SECTION 1. Section 154.122, Family Code, is amended to read
7 as follows:

8 Sec. 154.122. APPLICATION OF GUIDELINES REBUTTABLY
9 PRESUMED TO BE IN BEST INTEREST OF CHILD. (a) Subject to
10 Subsection (b), the [~~The~~] amount of a periodic child support
11 payment established by the child support guidelines in effect in
12 this state at the time of the hearing is presumed to be reasonable,
13 and an order of support conforming to the guidelines is presumed to
14 be in the best interest of the child.

15 (b) If a party alleges that application of the guidelines
16 would be unjust or inappropriate, a [A] court must [~~may~~] determine
17 whether [~~that~~] the application of the guidelines would be unjust or
18 inappropriate under the circumstances. In making the
19 determination, a court shall consider all evidence relevant to the
20 factors specified by Sections 154.123(b)(2) and (5), as well as any
21 other factor specified by Section 154.123(b).

22 SECTION 2. Section 154.122, Family Code, as amended by this
23 Act, applies only to a suit affecting the parent-child relationship
24 that is commenced on or after the effective date of this Act. A suit

1 affecting the parent-child relationship that is commenced before
2 the effective date of this Act is governed by the law in effect on
3 the date the suit was filed, and the former law is continued in
4 effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2007.