

By: Dutton

H.B. No. 773

A BILL TO BE ENTITLED

AN ACT

1  
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 Subsection  
10 (b), the [~~The~~] amount of a periodic child support payment  
11 established by the child support guidelines in effect in this state  
12 at the time of the hearing is presumed to be reasonable, and an  
13 order of support conforming to the guidelines is presumed to be in  
14 the best interest of the child.

15 (b) Before entering an order of support conforming to the  
16 guidelines, a [A] court must [~~may~~] determine whether [~~that~~] the  
17 application of the guidelines would be unjust or inappropriate  
18 under the circumstances. In making the determination, a court  
19 shall consider the financial resources available to each parent of  
20 the child and each other relevant factor, including the factors  
21 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.