

By: Dutton

H.B. No. 783

A BILL TO BE ENTITLED

AN ACT

relating to the application of certain disability payments to a child who is the subject of a child support order.

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

SECTION 1. Section 154.132, Family Code, is amended to read as follows:

Sec. 154.132. APPLICATION OF GUIDELINES TO CHILDREN OF CERTAIN DISABLED OBLIGORS. (a) In applying the child support guidelines for an obligor who has a disability and who is required to pay support for a child who receives benefits as a result of the obligor's disability, the court shall apply the guidelines by determining the amount of child support that would be ordered under the child support guidelines and subtracting from that total the amount of benefits or the value of the benefits paid to or for the child as a result of the obligor's disability.

(b) In addition to the adjustment described by Subsection (a), if the child receiving benefits also receives a lump-sum payment as a result of the obligor's disability, the obligor is entitled to a credit equal to the amount of the lump-sum payment against any child support arrearage and interest owed by the obligor on behalf of that child at the time the lump-sum payment is made to the child. To the extent of any conflict between this subsection and Subchapter F, Chapter 157, this subsection prevails.

SECTION 2. Section 154.132(b), Family Code, as added by

1 this Act, applies only to a money judgment for child support
2 arrearages that is rendered on or after the effective date of this
3 Act. A money judgment for child support arrearages rendered before
4 that date is governed by the law in effect on the date that the
5 judgment was rendered, and the former law is continued in effect for
6 that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.