

By: Smith of Tarrant

H.B. No. 1177

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the guidelines for determining monthly child support.

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

4 SECTION 1. Section 154.125, Family Code, is amended to read
5 as follows:

6 Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES
7 [~~OF \$6,000 OR LESS~~]. (a) The guidelines for the support of a child
8 in this section are specifically designed to apply to situations in
9 which the obligor's monthly net resources are not greater than
10 \$7,500 or the adjusted amount determined under Subsection (a-1),
11 whichever is greater [~~\$6,000 or less~~].

12 (a-1) The dollar amount prescribed by Subsection (a) is
13 adjusted annually as necessary to reflect inflation. The Title
14 IV-D agency shall determine the amount of the adjustment each year
15 based on the annual increase, if any, in the Texas consumer price
16 index published by the comptroller. The Title IV-D agency shall
17 publish the adjusted amount in conjunction with release of the tax
18 charts required to be prepared by the Title IV-D agency under
19 Section 154.061(b).

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

CHILD SUPPORT GUIDELINES

BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1 child	20% of Obligor's Net Resources
2 children	25% of Obligor's Net Resources
3 children	30% of Obligor's Net Resources
4 children	35% of Obligor's Net Resources
5 children	40% of Obligor's Net Resources
6+ children	Not less than the amount for 5 children

SECTION 2. Section 154.126, Family Code, is amended to read as follows:

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

(b) The proper calculation of a child support order that exceeds the presumptive amount established for the portion [~~first \$6,000~~] of the obligor's net resources provided by Section 154.125(a) requires that the entire amount of the presumptive award be subtracted from the proven total needs of the child. After the presumptive award is subtracted, the court shall allocate between the parties the responsibility to meet the additional needs of the

1 child according to the circumstances of the parties. However, in no
2 event may the obligor be required to pay more child support than the
3 greater of the presumptive amount or the amount equal to 100 percent
4 of the proven needs of the child.

5 SECTION 3. Section 154.130(b), Family Code, is amended to
6 read as follows:

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

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

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

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

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

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

25 "(6) if applicable, the obligor is obligated to
26 support children in more than one household, and:

27 "(A) the number of children before the court is

1 _____;

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

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

9 SECTION 4. The change in law made by this Act applies only
10 to a suit affecting the parent-child relationship that is
11 commenced on or after the effective date of this Act. A suit
12 affecting the parent-child relationship commenced before the
13 effective date of this Act is governed by the law in effect on the
14 date the suit was filed, and the former law is continued in effect
15 for that purpose.

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