

By: Deuell

S.B. No. 163

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring support of certain children over 18 years of
3 age.

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

5 SECTION 1. Sections 154.001(a) and (a-1), Family Code, are
6 amended to read as follows:

7 (a) The court may order either or both parents to support a
8 child in the manner specified by the order:

9 (1) until the child is 18 years of age and after that
10 date as long as the child is younger than 21 years of age and remains
11 enrolled as a full-time student in an educational institution [~~or~~
12 ~~until graduation from high school, whichever occurs later~~];

13 (2) until the child is emancipated through marriage,
14 through removal of the disabilities of minority by court order, or
15 by other operation of law;

16 (3) until the death of the child; or

17 (4) if the child is disabled as defined in this
18 chapter, for an indefinite period.

19 (a-1) The court may order each person who is financially
20 able and whose parental rights have been terminated with respect to
21 a child in substitute care for whom the department has been
22 appointed managing conservator to support the child in the manner
23 specified by the order:

24 (1) until the earliest of:

- 1 (A) the child's adoption;
- 2 (B) the child's 18th birthday or after that date
- 3 as long as the child is younger than 21 years of age and remains
- 4 enrolled as a full-time student in an educational institution
- 5 ~~[graduation from high school]~~, whichever occurs later;
- 6 (C) removal of the child's disabilities of
- 7 minority by court order, marriage, or other operation of law; or
- 8 (D) the child's death; or
- 9 (2) if the child is disabled as defined in this
- 10 chapter, for an indefinite period.

11 SECTION 2. Section 154.002, Family Code, is amended to read

12 as follows:

13 Sec. 154.002. CHILD SUPPORT WHILE ENROLLED IN SCHOOL

14 ~~[THROUGH HIGH SCHOOL GRADUATION]~~. (a) The court may render an

15 original support order, or modify an existing order, providing

16 child support past the 18th birthday of the child if the child is

17 younger than 21 years of age and ~~[to be paid only if]~~ the child is:

- 18 (1) enrolled:
- 19 (A) under Chapter 25, Education Code, in an
- 20 accredited secondary school in a program leading toward a high
- 21 school diploma;
- 22 (B) under Section 130.008, Education Code, in
- 23 courses for joint high school and junior college credit; ~~or~~
- 24 (C) on a full-time basis in a private secondary
- 25 school in a program leading toward a high school diploma; or
- 26 (D) on a full-time basis in an institution of
- 27 higher education or a private or independent institution of higher

1 education as those terms are defined by Section 61.003, Education
2 Code; and

3 (2) complying with:

4 (A) the minimum attendance requirements of
5 Subchapter C, Chapter 25, Education Code, if the child is enrolled
6 in an accredited secondary school; [or]

7 (B) the minimum attendance requirements imposed
8 by the school in which the child is enrolled, if the child is
9 enrolled in a private secondary school; or

10 (C) the requirements for full-time status
11 imposed by the institution of higher education, if the child is
12 enrolled in an institution of higher education.

13 (b) The request for a support order while the child is fully
14 enrolled in school [~~through high school graduation~~] may be filed
15 before or after the child's 18th birthday.

16 (c) The order for periodic support may provide that payments
17 continue through the end of the month in which the child turns 21
18 years of age or leaves school, whichever occurs first [~~graduates~~].

19 SECTION 3. Section 158.402(a), Family Code, is amended to
20 read as follows:

21 (a) An obligor and obligee may agree on a reduction in or
22 termination of income withholding for child support on the
23 occurrence of one of the following contingencies stated in the
24 order:

25 (1) the child is at least [~~becomes~~] 18 years of age but
26 younger than 21 years of age, and the child is not enrolled as a
27 full-time student at an educational institution [~~or is graduated~~

1 ~~from high school, whichever is later];~~

2 (2) the child becomes 21 years of age;

3 (3) the child's disabilities of minority are removed
4 by marriage, court order, or other operation of law; or

5 (4) [~~(3)~~] the child dies.

6 SECTION 4. (a) The change in law made by this Act applies
7 only to a court order or portion of a decree that provides for the
8 support of a child rendered or modified on or after the effective
9 date of this Act. An order or portion of a decree rendered or
10 modified before the effective date of this Act is governed by the
11 law in effect on the date the order or decree was rendered or
12 modified, and the former law is continued in effect for that
13 purpose.

14 (b) The change in law made by this Act does not by itself
15 constitute a material and substantial change of circumstances under
16 Section 156.401, Family Code, sufficient to warrant modification of
17 a court order or a portion of a decree that provides for the support
18 of a child rendered before the effective date of this Act.

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