

By: Harris

S.B. No. 228

Substitute the following for S.B. No. 228:

By: Dutton

C.S.S.B. No. 228

A BILL TO BE ENTITLED

AN ACT

1
2 relating to suits affecting the parent-child relationship,
3 including proceedings for the establishment, modification, and
4 enforcement of child support; providing a civil penalty.

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

6 SECTION 1. Chapter 101, Family Code, is amended by adding
7 Section 101.0255 to read as follows:

8 Sec. 101.0255. RECORD. "Record" means information that is:

9 (1) inscribed on a tangible medium or stored in an
10 electronic or other medium; and

11 (2) retrievable in a perceivable form.

12 SECTION 2. Subsection (d), Section 102.009, Family Code, is
13 amended to read as follows:

14 (d) If the petition requests the establishment,
15 termination, modification, or enforcement of a support right
16 assigned to the Title IV-D agency under Chapter 231 or the
17 rescission of a voluntary acknowledgment of paternity under Chapter
18 160, notice shall be given to the Title IV-D agency in a manner
19 provided by Rule 21a, Texas Rules of Civil Procedure.

20 SECTION 3. Subsection (b), Section 151.001, Family Code, is
21 amended to read as follows:

22 (b) The duty of a parent to support his or her child exists
23 while the child is an unemancipated minor and continues as long as
24 the child is fully enrolled in a [an accredited] secondary school in

1 a program leading toward a high school diploma and complies with
2 attendance requirements described by Section 154.002(a)(2) [~~until~~
3 ~~the end of the school year in which the child graduates~~].

4 SECTION 4. Subsection (c), Section 155.301, Family Code, is
5 amended to read as follows:

6 (c) Except as otherwise provided by this subsection, if [~~If~~]
7 a transfer of continuing, exclusive jurisdiction is sought under
8 this section, the procedures for determining and effecting a
9 transfer of proceedings provided by this chapter apply. If the
10 parties submit to the court an agreed order for transfer, the court
11 shall sign the order without the need for other pleadings.

12 SECTION 5. Subsection (b), Section 156.401, Family Code, is
13 amended to read as follows:

14 (b) A support order may be modified with regard to the
15 amount of support ordered only as to obligations accruing after the
16 earlier of:

17 (1) the date of service of citation; or

18 (2) an appearance in the suit to modify.

19 SECTION 6. Section 156.409, Family Code, is amended by
20 amending Subsection (a) and adding Subsections (a-1), (a-2), and
21 (a-3) to read as follows:

22 (a) The [~~If the sole managing conservator of a child or the~~
23 ~~joint managing conservator who has the exclusive right to determine~~
24 ~~the primary residence of the child has voluntarily relinquished the~~
25 ~~primary care and possession of the child to another person for at~~
26 ~~least six months, the~~] court shall, on the motion of a party or a
27 [~~the other~~] person having physical possession of the child, modify

1 an order providing for the support of the child to provide that the
2 [~~other~~] person having physical possession of the child for at least
3 six months shall have the right to receive and give receipt for
4 payments of support for the child and to hold or disburse money for
5 the benefit of the child if the sole managing conservator of the
6 child or the joint managing conservator who has the exclusive right
7 to determine the primary residence of the child has:

8 (1) voluntarily relinquished the primary care and
9 possession of the child;

10 (2) been incarcerated or sentenced to be incarcerated
11 for at least 90 days; or

12 (3) relinquished the primary care and possession of
13 the child in a proceeding under Title 3 or Chapter 262.

14 (a-1) If the court modifies a support order under this
15 section, the court shall order the obligor to pay the person or
16 entity having physical possession of the child any unpaid child
17 support that is not subject to offset or reimbursement under
18 Section 157.008 and that accrues after the date the sole or joint
19 managing conservator:

20 (1) relinquishes possession and control of the child,
21 whether voluntarily or in a proceeding under Title 3 or Chapter 262;
22 or

23 (2) is incarcerated.

24 (a-2) This section does not affect the ability of the court
25 to render a temporary order for the payment of child support that is
26 in the best interest of the child.

27 (a-3) An order under this section that modifies a support

1 order because of the incarceration of the sole or joint managing
2 conservator of a child must provide that on the conservator's
3 release from incarceration the conservator may file an affidavit
4 with the court stating, if appropriate, that the conservator has
5 been released from incarceration, that there has not been a
6 modification of the conservatorship of the child during the
7 incarceration, and that the conservator has resumed physical
8 possession of the child. A copy of the affidavit shall be delivered
9 to the obligor and any other party, including the Title IV-D agency
10 if appropriate. On receipt of the affidavit, the court on its own
11 motion shall order the obligor to make support payments to the
12 conservator.

13 SECTION 7. Subsection (a), Section 157.005, Family Code, is
14 amended to read as follows:

15 (a) The court retains jurisdiction to render a contempt
16 order for failure to comply with the child support order if the
17 motion for enforcement is filed not later than the second
18 anniversary of [~~sixth month after~~] the date:

- 19 (1) the child becomes an adult; or
20 (2) on which the child support obligation terminates
21 under the order or by operation of law.

22 SECTION 8. Subsection (a), Section 157.065, Family Code, is
23 amended to read as follows:

24 (a) If a party has been ordered under Chapter 105 to provide
25 the court and the state case registry with the party's current
26 mailing address, notice of a hearing on a motion for enforcement may
27 be served by mailing a copy of the notice to the respondent,

1 together with a copy of the motion, by first class mail to the last
2 mailing address of the respondent on file with the court and the
3 registry.

4 SECTION 9. Subsections (a) and (c), Section 157.105, Family
5 Code, are amended to read as follows:

6 (a) If the respondent is taken into custody and not released
7 on bond, the respondent shall be brought before the court that
8 issued the capias on or before the third [~~first~~] working day after
9 the arrest. The court shall determine whether the respondent's
10 appearance in court at a designated time and place can be assured by
11 a method other than by posting the bond or security previously
12 established.

13 (c) If the court is not satisfied that the respondent's
14 appearance in court can be assured and the respondent remains in
15 custody, a hearing on the alleged contempt shall be held as soon as
16 practicable, but not later than the seventh [~~fifth~~] day after the
17 date that the respondent was taken into custody, unless the
18 respondent and the respondent's attorney waive the accelerated
19 hearing.

20 SECTION 10. Section 157.211, Family Code, is amended to
21 read as follows:

22 Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the
23 court places the respondent on community supervision [~~and suspends~~
24 ~~commitment~~], the terms and conditions of community supervision may
25 include the requirement that the respondent:

26 (1) report to the community supervision officer as
27 directed;

1 (2) permit the community supervision officer to visit
2 the respondent at the respondent's home or elsewhere;

3 (3) obtain counseling on financial planning, budget
4 management, conflict resolution, parenting skills, alcohol or drug
5 abuse, or other matters causing the respondent to fail to obey the
6 order;

7 (4) pay required child support and any child support
8 arrearages;

9 (5) pay court costs and attorney's fees ordered by the
10 court;

11 (6) seek employment assistance services offered by the
12 Texas Workforce Commission under Section 302.0035, Labor Code, if
13 appropriate; and

14 (7) participate in mediation or other services to
15 alleviate conditions that prevent the respondent from obeying the
16 court's order.

17 SECTION 11. Section 157.212, Family Code, is amended to
18 read as follows:

19 Sec. 157.212. TERM OF COMMUNITY SUPERVISION. The initial
20 period of community supervision [period] may not exceed 10 years.
21 The court may continue the community supervision beyond 10 years
22 until the earlier of:

23 (1) the second anniversary of the date on which the
24 community supervision first exceeded 10 years; or

25 (2) the date on which all child support, including
26 arrearages and interest, has been paid.

27 SECTION 12. Subsections (a) and (b), Section 157.216,

1 Family Code, are amended to read as follows:

2 (a) The court shall hold a hearing without a jury not later
3 than [~~on or before~~] the third [~~first~~] working day after the date the
4 respondent is arrested under Section 157.215. If the court is
5 unavailable for a hearing on that date, the hearing shall be held
6 not later than the third [~~first~~] working day after the date the
7 court becomes available.

8 (b) The hearing under this section may not be held later
9 than the seventh [~~third~~] working day after the date the respondent
10 is arrested.

11 SECTION 13. Subsection (c), Section 157.263, Family Code,
12 is amended to read as follows:

13 (c) If the amount of arrearages confirmed by the court
14 reflects a credit to the obligor for support arrearages collected
15 from a federal tax refund under 42 U.S.C. Section 664, [~~as amended,~~]
16 and, subsequently, the amount of that credit is reduced because the
17 refund was adjusted because of an injured spouse claim by a jointly
18 filing spouse, the tax return was amended, the return was audited by
19 the Internal Revenue Service, or for another reason permitted by
20 law [~~based on a joint return under which another person was entitled~~
21 ~~to a share of the refund under 42 U.S.C. Section 664, as amended],
22 the court shall render a new cumulative judgment to include as
23 arrearages an amount equal to the amount by which the credit was
24 reduced.~~

25 SECTION 14. Subsection (b), Section 157.264, Family Code,
26 is amended to read as follows:

27 (b) The court shall [~~may~~] render an order requiring[+]

1 ~~[(1) that income be withheld from the disposable~~
2 ~~earnings of the obligor in an amount sufficient to discharge the~~
3 ~~judgment in not more than two years, or~~

4 ~~[(2) if the obligor is not subject to income~~
5 ~~withholding,]~~ that the obligor make periodic payments on the
6 judgment, including by income withholding under Chapter 158 if the
7 obligor is subject to income withholding ~~[to the obligee in an~~
8 ~~amount sufficient to discharge the judgment within a reasonable~~
9 ~~time].~~

10 SECTION 15. Section 157.269, Family Code, is amended to
11 read as follows:

12 Sec. 157.269. RETENTION OF JURISDICTION. A court that
13 renders an order providing for the payment of child support
14 ~~[arrearages]~~ retains continuing jurisdiction to enforce the order,
15 including by adjusting the amount of the periodic payments to be
16 made by the obligor or the amount to be withheld from the obligor's
17 disposable earnings, until all current support and medical support
18 and child support arrearages, including interest and any applicable
19 fees and costs, have been paid.

20 SECTION 16. Subsections (a), (c), and (e), Section 157.313,
21 Family Code, are amended to read as follows:

22 (a) Except as provided by Subsection (e), a child support
23 lien notice must contain:

24 (1) the name and address of the person to whom the
25 notice is being sent;

26 (2) the style, docket or cause number, and identity of
27 the tribunal of this or another state having continuing

1 jurisdiction of the child support action and, if the case is a Title
2 IV-D case, the case number;

3 (3) the full name, address, and, if known, the birth
4 date, driver's license number, social security number, and any
5 aliases of the obligor;

6 (4) the full name and, if known, social security
7 number of the obligee;

8 (5) the amount of the current or prospective child
9 support obligation, the frequency with which current or prospective
10 child support is ordered to be paid, and the amount of child support
11 arrearages owed by the obligor and the date of the signing of the
12 court order, administrative order, or writ that determined the
13 arrearages or the date and manner in which the arrearages were
14 determined;

15 (6) the rate of interest specified in the court order,
16 administrative order, or writ or, in the absence of a specified
17 interest rate, the rate provided for by law;

18 (7) the name and address of the person or agency
19 asserting the lien;

20 (8) the motor vehicle identification number as shown
21 on the obligor's title if the property is a motor vehicle;

22 (9) a statement that the lien attaches to all
23 nonexempt real and personal property of the obligor that is located
24 or recorded in the state, including any property specifically
25 identified in the notice and any property acquired after the date of
26 filing or delivery of the notice;

27 (10) a statement that any ordered child support not

1 timely paid in the future constitutes a final judgment for the
2 amount due and owing, including interest, and accrues up to an
3 amount that may not exceed the lien amount; and

4 (11) a statement that the obligor is being provided a
5 copy of the lien notice and that the obligor may dispute the
6 arrearage amount by filing suit under Section 157.323.

7 (c) Except as provided by Subsection (e), the ~~[The]~~ lien
8 notice must be verified.

9 (e) A notice of a lien for child support under this section
10 may be in the form authorized by federal law or regulation. The
11 federal form of lien notice does not require verification when used
12 by the Title IV-D agency.

13 SECTION 17. Subsection (a-1), Section 157.317, Family Code,
14 is amended to read as follows:

15 (a-1) A lien attaches to all property owned or acquired on
16 or after the date the lien notice or abstract of judgment is filed
17 with the county clerk of the county in which the property is
18 located, with the court clerk as to property or claims in
19 litigation, or, as to property of the obligor in the possession or
20 control of a third party, from the date the lien notice is delivered
21 to ~~[filed with]~~ that party.

22 SECTION 18. Subchapter C, Chapter 158, Family Code, is
23 amended by adding Section 158.214 to read as follows:

24 Sec. 158.214. WITHHOLDING FROM SEVERANCE PAY. (a) In this
25 section, "severance pay" means income paid on termination of
26 employment in addition to the employee's usual earnings from the
27 employer at the time of termination.

1 (b) An employer receiving an order or writ of withholding
2 under this chapter shall withhold from any severance pay owed an
3 obligor an amount equal to the amount the employer would have
4 withheld under the order or writ if the severance pay had been paid
5 as the obligor's usual earnings as a current employee.

6 (c) The total amount that may be withheld under this section
7 is subject to the maximum amount allowed to be withheld under
8 Section 158.009.

9 SECTION 19. Subdivision (23), Section 159.102, Family Code,
10 is amended to read as follows:

11 (23) "Support order" means a judgment, decree, ~~[or]~~
12 order, or directive, whether temporary, final, or subject to
13 modification, issued by a tribunal for the benefit of a child, a
14 spouse, or a former spouse that provides for monetary support,
15 health care, arrearages, or reimbursement and may include related
16 costs and fees, interest, income withholding, attorney's fees, and
17 other relief.

18 SECTION 20. Section 161.206, Family Code, is amended by
19 adding Subsection (d) to read as follows:

20 (d) An order rendered under this section must include a
21 finding that:

22 (1) a request for identification of a court of
23 continuing, exclusive jurisdiction has been made as required by
24 Section 155.101; and

25 (2) all parties entitled to notice, including the
26 Title IV-D agency, have been notified.

27 SECTION 21. Section 231.202, Family Code, is amended to

1 read as follows:

2 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
3 CASES. In a Title IV-D case filed under this title, including a
4 case filed under Chapter 159, the Title IV-D agency shall pay:

5 (1) filing fees and fees for issuance and service of
6 process as provided by Chapter 110 of this code and by Sections
7 51.317, 51.318(b)(2), and 51.319(2), Government Code;

8 (2) fees for transfer as provided by Chapter 110;

9 (3) fees for the issuance and delivery of orders and
10 writs of income withholding in the amounts provided by Chapter 110;

11 (4) the fee that sheriffs and constables are
12 authorized to charge for serving process under Section 118.131,
13 Local Government Code, for each item of process to each individual
14 on whom service is required, including service by certified or
15 registered mail, to be paid to a sheriff, constable, or clerk
16 whenever service of process is required; ~~and~~

17 (5) the fee for filing an administrative writ of
18 withholding under Section 158.503(d); and

19 (6) the fee for issuance of a subpoena as provided by
20 Section 51.318(b)(1), Government Code.

21 SECTION 22. Subdivisions (1), (2), and (3), Section
22 232.001, Family Code, are amended to read as follows:

23 (1) "License" means a license, certificate,
24 registration, permit, or other authorization that:

25 (A) is issued by a licensing authority;

26 (B) is subject before expiration to renewal,
27 suspension, revocation, forfeiture, or termination by a ~~the~~

1 ~~issuing~~] licensing authority; and

2 (C) a person must obtain to:

3 (i) practice or engage in a particular
4 business, occupation, or profession;

5 (ii) operate a motor vehicle on a public
6 highway in this state; or

7 (iii) engage in any other regulated
8 activity, including hunting, fishing, or other recreational
9 activity for which a license or permit is required.

10 (2) "Licensing authority" means a department,
11 commission, board, office, or other agency of the state or a
12 political subdivision of the state that issues or renews a license
13 or that otherwise has authority to suspend or refuse to renew a
14 license.

15 (3) "Order suspending license" means an order issued
16 by the Title IV-D agency or a court directing a licensing authority
17 to suspend or refuse to renew a license.

18 SECTION 23. Section 232.002, Family Code, is amended to
19 read as follows:

20 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.
21 Unless otherwise restricted or exempted, all [~~The following are~~]
22 licensing authorities are subject to this chapter [~~+~~

23 [~~(1) Department of Agriculture,~~

24 [~~(2) Texas Alcoholic Beverage Commission,~~

25 [~~(3) Texas Appraiser Licensing and Certification~~
26 ~~Board,~~

27 [~~(4) Texas Board of Architectural Examiners,~~

- 1 ~~[(5) Texas Board of Chiropractic Examiners,~~
- 2 ~~[(6) Comptroller of Public Accounts,~~
- 3 ~~[(7) Court Reporters Certification Board,~~
- 4 ~~[(8) State Board of Dental Examiners,~~
- 5 ~~[(9) Texas State Board of Examiners of Dietitians,~~
- 6 ~~[(10) Texas Funeral Service Commission,~~
- 7 ~~[(11) Department of State Health Services,~~
- 8 ~~[(12) Department of Aging and Disability Services,~~
- 9 ~~[(13) Texas Board of Professional Land Surveying,~~
- 10 ~~[(14) Texas Department of Licensing and Regulation,~~
- 11 ~~[(15) Texas State Board of Examiners of Marriage and~~
- 12 ~~Family Therapists,~~
- 13 ~~[(16) Texas State Board of Medical Examiners,~~
- 14 ~~[(17) Midwifery Board,~~
- 15 ~~[(18) Texas Commission on Environmental Quality,~~
- 16 ~~[(19) Board of Nurse Examiners,~~
- 17 ~~[(20) Texas Board of Occupational Therapy Examiners,~~
- 18 ~~[(21) Texas Optometry Board,~~
- 19 ~~[(22) Parks and Wildlife Department,~~
- 20 ~~[(23) Texas State Board of Examiners of Perfusionists,~~
- 21 ~~[(24) Texas State Board of Pharmacy,~~
- 22 ~~[(25) Texas Board of Physical Therapy Examiners,~~
- 23 ~~[(26) Texas State Board of Plumbing Examiners,~~
- 24 ~~[(27) Texas State Board of Podiatric Medical~~
- 25 ~~Examiners,~~
- 26 ~~[(28) Polygraph Examiners Board,~~
- 27 ~~[(29) Texas Private Security Board,~~

- 1 ~~[(30) Texas State Board of Examiners of Professional~~
2 ~~Counselors,~~
- 3 ~~[(31) Texas Board of Professional Engineers,~~
- 4 ~~[(32) Department of Family and Protective Services,~~
- 5 ~~[(33) Texas State Board of Examiners of Psychologists,~~
- 6 ~~[(34) Texas State Board of Public Accountancy,~~
- 7 ~~[(35) Department of Public Safety of the State of~~
8 ~~Texas,~~
- 9 ~~[(36) Public Utility Commission of Texas,~~
- 10 ~~[(37) Railroad Commission of Texas,~~
- 11 ~~[(38) Texas Real Estate Commission,~~
- 12 ~~[(39) State Bar of Texas,~~
- 13 ~~[(40) Texas State Board of Social Worker Examiners,~~
- 14 ~~[(41) State Board of Examiners for Speech-Language~~
15 ~~Pathology and Audiology,~~
- 16 ~~[(42) Texas Structural Pest Control Board,~~
- 17 ~~[(43) Board of Tax Professional Examiners,~~
- 18 ~~[(44) Secretary of State,~~
- 19 ~~[(45) Supreme Court of Texas,~~
- 20 ~~[(46) Texas Transportation Commission,~~
- 21 ~~[(47) State Board of Veterinary Medical Examiners,~~
- 22 ~~[(48) Texas Ethics Commission,~~
- 23 ~~[(49) Advisory Board of Athletic Trainers,~~
- 24 ~~[(50) State Committee of Examiners in the Fitting and~~
25 ~~Dispensing of Hearing Instruments,~~
- 26 ~~[(51) Texas Board of Licensure for Professional~~
27 ~~Medical Physicists,~~

1 ~~[(52) Texas Department of Insurance,~~
2 ~~[(53) Texas Board of Orthotics and Prosthetics,~~
3 ~~[(54) savings and loan commissioner,~~
4 ~~[(55) Texas Juvenile Probation Commission, and~~
5 ~~[(56) Texas Lottery Commission under Chapter 466,~~
6 ~~Government Code].~~

7 SECTION 24. Chapter 232, Family Code, is amended by adding
8 Section 232.0022 to read as follows:

9 Sec. 232.0022. SUSPENSION OF MOTOR VEHICLE REGISTRATION.

10 The Texas Department of Transportation is the appropriate licensing
11 authority for suspension of a motor vehicle registration under this
12 chapter. The general registration provisions of Chapter 502,
13 Transportation Code, do not apply to the suspension or denial of a
14 renewal of a motor vehicle registration under this chapter.

15 SECTION 25. Subsection (a), Section 232.004, Family Code,
16 is amended to read as follows:

17 (a) A child support agency or obligee may file a petition to
18 suspend, as provided by this chapter, a license of an obligor who
19 has an arrearage equal to or greater than the total support due for
20 three months ~~[90 days]~~ under a support order.

21 SECTION 26. Subsections (b) and (c), Section 232.006,
22 Family Code, are amended to read as follows:

23 (b) Notice under this section may be served:

24 (1) if the party has been ordered under Chapter 105 to
25 provide the court and registry with the party's current mailing
26 address, by mailing a copy of the notice to the respondent, together
27 with a copy of the petition, by first class mail to the last mailing

1 address of the respondent on file with the court and the state case
2 registry; or

3 (2) as in civil cases generally.

4 (c) The notice must contain the following prominently
5 displayed statement in boldfaced type, capital letters, or
6 underlined:

7 "AN ACTION TO SUSPEND ONE OR MORE LICENSES ISSUED TO YOU HAS
8 BEEN FILED AS PROVIDED BY CHAPTER 232, TEXAS FAMILY CODE. YOU MAY
9 EMPLOY AN ATTORNEY TO REPRESENT YOU IN THIS ACTION. IF YOU OR YOUR
10 ATTORNEY DO NOT REQUEST A HEARING BEFORE THE 21ST DAY AFTER THE DATE
11 OF SERVICE OF THIS NOTICE, AN ORDER SUSPENDING YOUR [~~OF~~] LICENSE
12 [~~SUSPENSION~~] MAY BE RENDERED."

13 SECTION 27. Chapter 232, Family Code, is amended by adding
14 Section 232.0135 to read as follows:

15 Sec. 232.0135. DENIAL OF LICENSE RENEWAL. (a) A child
16 support agency, as defined by Section 101.004, may provide notice
17 to a licensing authority concerning an obligor who has failed to pay
18 child support for six months or more that requests the authority to
19 refuse to accept an application for renewal of the license of the
20 obligor.

21 (b) A licensing authority that receives the information
22 described by Subsection (a) shall refuse to accept an application
23 for renewal of the license of the obligor until the authority is
24 notified by the child support agency that the obligor has:

25 (1) paid all child support arrearages;

26 (2) established with the agency a satisfactory
27 repayment schedule or is in compliance with a court order for

1 payment of the arrearages;

2 (3) been granted an exemption from this subsection as
3 part of a court-supervised plan to improve the obligor's earnings
4 and child support payments; or

5 (4) successfully contested the denial of renewal of
6 license under Subsection (d).

7 (c) On providing a licensing authority with the notice
8 described by Subsection (a), the child support agency shall send a
9 copy to the obligor by first class mail and inform the obligor of
10 the steps the obligor must take to permit the authority to accept
11 the obligor's application for license renewal.

12 (d) An obligor receiving notice under Subsection (c) may
13 request a review by the child support agency to resolve any issue in
14 dispute regarding the identity of the obligor or the existence or
15 amount of child support arrearages. The agency shall promptly
16 provide an opportunity for a review, either by telephone or in
17 person, as appropriate to the circumstances. After the review, if
18 appropriate, the agency may notify the licensing authority that it
19 may accept the obligor's application for renewal of license. If the
20 agency and the obligor fail to resolve any issue in dispute, the
21 obligor, not later than the 30th day after the date of receiving
22 notice of the agency's determination from the review, may file a
23 motion with the court to direct the agency to withdraw the notice
24 under Subsection (a) and request a hearing on the motion. The
25 obligor's application for license renewal may not be accepted by
26 the licensing authority until the court rules on the motion. If,
27 after a review by the agency or a hearing by the court, the agency

1 withdraws the notice under Subsection (a), the agency shall
2 reimburse the obligor the amount of any fee charged the obligor
3 under Section 232.014.

4 (e) If an obligor enters into a repayment agreement with the
5 child support agency under this section, the agency may incorporate
6 the agreement in an order to be filed with and confirmed by the
7 court in the manner provided for agreed orders under Chapter 233.

8 (f) In this section, "licensing authority" does not include
9 the State Securities Board.

10 SECTION 28. Section 232.014, Family Code, is amended to
11 read as follows:

12 Sec. 232.014. FEE BY LICENSING AUTHORITY. (a) A licensing
13 authority may charge a fee to an individual who is the subject of an
14 order suspending license or of an action of a child support agency
15 under Section 232.0135 to deny renewal of license in an amount
16 sufficient to recover the administrative costs incurred by the
17 authority under this chapter.

18 (b) A fee collected by the Texas Department of
19 Transportation or the Department of Public Safety shall be
20 deposited to the credit of the state highway fund.

21 SECTION 29. Subsection (c), Section 234.001, Family Code,
22 is amended to read as follows:

23 (c) The state disbursement unit shall:

24 (1) receive, maintain, and furnish records of child
25 support payments in Title IV-D cases and other cases as authorized
26 by law;

27 (2) forward child support payments as authorized by

1 law;

2 (3) maintain records of child support payments
3 [~~payment records~~] made through the state disbursement unit; and

4 (4) make available to a local registry each day in a
5 manner determined by the Title IV-D agency [~~with the assistance of~~
6 ~~the work group established under Section 234.003~~] the following
7 information:

8 (A) the cause number of the suit under which
9 withholding is required;

10 (B) the payor's name and social security number;

11 (C) the payee's name and, if available, social
12 security number;

13 (D) the date the disbursement unit received the
14 payment;

15 (E) the amount of the payment; and

16 (F) the instrument identification information.

17 SECTION 30. Section 234.006, Family Code, is amended to
18 read as follows:

19 Sec. 234.006. RULEMAKING [~~EFFECTIVE DATE AND PROCEDURES~~].
20 The Title IV-D agency [~~, in cooperation with the work group~~
21 ~~established under Section 234.003,~~] may adopt rules in compliance
22 with federal law for the operation of the state case registry and
23 the state disbursement unit.

24 SECTION 31. Subchapter B, Chapter 234, Family Code, is
25 amended by adding Section 234.105 to read as follows:

26 Sec. 234.105. CIVIL PENALTY. (a) In addition to any other
27 remedy provided by law, an employer who knowingly violates a

1 procedure adopted under Section 234.104 for reporting employee
2 information may be liable for a civil penalty as permitted by
3 Section 453A(d) of the federal Social Security Act (42 U.S.C.
4 Section 653a).

5 (b) The amount of the civil penalty may not exceed:

6 (1) \$25 for each occurrence in which an employer fails
7 to report an employee; or

8 (2) \$500 for each occurrence in which the conduct
9 described by Subdivision (1) is the result of a conspiracy between
10 the employer and an employee to not supply a required report or to
11 submit a false or incomplete report.

12 (c) The attorney general may sue to collect the civil
13 penalty. A penalty collected under this section shall be deposited
14 in a special fund in the state treasury.

15 SECTION 32. Subsections (a) and (d), Section 207.093, Labor
16 Code, are amended to read as follows:

17 (a) The commission shall withhold from the benefits payable
18 to an individual that owes a child support obligation an amount
19 equal to:

20 (1) any amount required to be withheld under legal
21 process properly served on the commission;

22 (2) if Subdivision (1) does not apply, the amount
23 determined under an agreement submitted to the commission under
24 Section 454(19)(B)(i) [~~454(20)(B)(i)~~] of the Social Security Act
25 (42 U.S.C. Section 654) by the state or local child support
26 enforcement agency; or

27 (3) if neither Subdivision (1) or (2) applies, the

1 amount the individual specifies to the commission to be withheld.

2 (d) In this section, "legal process" has the meaning
3 assigned by Section 459(i)(5) [~~462(e)~~] of the Social Security Act
4 (42 U.S.C. Section 659 [~~662~~]).

5 SECTION 33. Subdivision (9), Section 501.002,
6 Transportation Code, is amended to read as follows:

7 (9) "Lien" means:

8 (A) a lien provided for by the constitution or
9 statute in a motor vehicle; [~~or~~]

10 (B) a security interest, as defined by Section
11 1.201, Business & Commerce Code, in a motor vehicle, other than an
12 absolute title, created by any written security agreement, as
13 defined by Section 9.102, Business & Commerce Code, including a
14 lease, conditional sales contract, deed of trust, chattel mortgage,
15 trust receipt, or reservation of title; or

16 (C) a child support lien under Chapter 157,
17 Family Code.

18 SECTION 34. (a) The change in law made by this Act relating
19 to a court order establishing paternity or the obligation to pay
20 child support applies only to a suit affecting the parent-child
21 relationship filed on or after the effective date of this Act. A
22 suit affecting the parent-child relationship filed before the
23 effective date of this Act is governed by the law in effect on the
24 date the suit was filed, and the former law is continued in effect
25 for that purpose.

26 (b) The change in law made by this Act relating to the
27 modification or enforcement of a child support order rendered

1 before the effective date of this Act applies only to a proceeding
2 for modification or enforcement that is commenced on or after the
3 effective date of this Act. A proceeding for modification or
4 enforcement that is commenced before the effective date of this Act
5 is governed by the law in effect on the date the proceeding was
6 commenced, and the former law is continued in effect for that
7 purpose.

8 (c) The change in law made by this Act by the enactment of
9 Section 234.105, Family Code, applies only to a violation that
10 occurs on or after the effective date of this Act. A violation that
11 occurs before that date is governed by the law in effect on the date
12 the violation occurred, and the former law is continued in effect
13 for that purpose.

14 SECTION 35. This Act takes effect September 1, 2007.