

BILL ANALYSIS

H.B. 950
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, child support may be modified if circumstances of the child or a person affected by the order have materially and substantially changed. Presumably, the release of a child support obligor from incarceration is a material and substantial change in circumstances, but only if the obligor's child support obligation was abated, reduced, or suspended during the period of the obligor's incarceration. The problem occurs when a person is released from jail and faces huge child support arrearages. Many people in this situation are discouraged from trying to pay, and, as a consequence, much of this debt is never paid.

H.B. 950 establishes that the rendering of a judgment or order for the confinement of an obligor in a local, state, or federal jail or prison for a period of at least 90 consecutive days is a material and substantial change in circumstances for purposes of determining grounds for modification of a child support order.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 950 amends the Family Code to establish that the rendering of a judgment or order for the confinement of an obligor in a local, state, or federal jail or prison for a period of at least 90 consecutive days is a material and substantial change in circumstances for purposes of determining grounds for modification of a child support order. The bill adds as an affirmative defense in whole or in part to a motion for enforcement of child support that the obligor was confined in a local, state, or federal jail or prison for a period of at least 90 consecutive days and the arrearages and interest on the arrearages alleged in the motion for enforcement are attributable to child support payments that became due during that period of confinement.

EFFECTIVE DATE

September 1, 2009.