

## **BILL ANALYSIS**

H.B. 2984  
By: Phillips  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Three courts of appeals have held that Section 157.262(a), Family Code, prohibits a court from reducing a money judgment for child support arrearages without an express authorization from the legislature. The cases involved lump sum payments received by a child because of the child support obligor's disability for which the obligor was denied credit against back child support owed.

H.B. 2984 authorizes a lump sum dependent's disability payment made by the Social Security Administration or the Veterans Administration to a child support obligee for the benefit of a child as a result of the obligor's disability to be used by the obligor as a counterclaim or offset to a money judgment for child support arrearages.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

H.B. 2984 amends the Family Code to authorize a lump sum dependent's disability payment made by the Social Security Administration or the Veterans Administration to a child support obligee for the benefit of a child as a result of the obligor's disability to be used by the obligor as a counterclaim or offset to a money judgment for child support arrearages. The bill removes language providing that a money judgment for arrearages rendered by the court may be subject to a counterclaim or offset.

### **EFFECTIVE DATE**

September 1, 2009.