

BILL ANALYSIS

Senate Research Center

S.B. 865
By: Harris
Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill is an omnibus bill regarding child support. It amends multiple sections of the Family Code to clarify, conform, and remove outdated language.

S.B. 865 amends current law relating to child support enforcement and disbursement and to health care coverage for children in Title IV-D cases.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a Title IV-D agency in SECTION 9 (Section 154.1826, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 102.009, Family Code, by adding Subsection (e), to provide that in a proceeding under Chapter 233 (Child Support Review Process to Establish or Enforce Support Obligations), the requirements imposed by Subsections (a) (relating to those entitled to service of citation) and (c) (relating to citation on the filing of an original petition in a suit) do not apply to the extent of any conflict between those requirements and the provisions in Chapter 233.

SECTION 2. Amends Section 102.011(b), Family Code, to authorize the court to also exercise personal jurisdiction over a person on whom service of citation is required or over the person's personal representative, although the person is not a resident or domiciliary of this state, if the person, as provided by Chapter 160 (Uniform Parentage Act), registered with the paternity registry maintained by the bureau of vital statistics or signed an acknowledgement of paternity of a child born in this state.

SECTION 3. Amends Section 110.006, Family Code, as follows:

Sec. 110.006. New heading: DOMESTIC RELATIONS OFFICE OPERATIONS FEES AND CHILD SUPPORT SERVICE FEES. (a) Creates this subsection from existing text. Requires the clerk of the court, if an administering entity of a domestic relations office adopts an initial operations fee under Section 203.005(a)(1) (relating to an initial operations fee in a certain amount), rather than an initial operations fee under Section 203.005(a)(1) or an initial child support service fee under Section 203.005(a)(2) (relating to initial child support service fee requirements), to collect the operations fee at the time the original suit, motion for modification, or motion for enforcement, as applicable, is filed; and send the fee to the domestic relations office.

(b) Requires the clerk of the court, if an administering entity of a domestic relations office adopts an initial child support service fee under Section 203.005(a)(2), to collect the child support service fee at the time the original suit is filed, and send the fee to the domestic relations office.

(c) Provides that the fees described by Subsections (a) and (b) are not filing fees for purposes of Section 110.002 (Filing Fees and Deposits) or 110.003 (No Separate or Additional Filing Fee).

SECTION 4. Amends Sections 154.062(b) and (c), Family Code, as follows:

(b) Provides that resources include all other income actually being received, including social security benefits other than supplemental security income.

(c) Provides that resources do not include benefits paid in accordance with federal public assistance programs, rather than benefits paid in accordance with aid for families with dependent children.

SECTION 5. Amends Section 154.125(a-1), Family Code, to require the Title IV-D agency to compute the adjusted amount, to take effect beginning September 1 of the year of the adjustment, based on the percentage change in the consumer price index during the 72-month period preceding March 1 of the year of the adjustment, rather than the preceding six-year period in the consumer price index, as rounded to the nearest \$50 increment.

SECTION 6. Amends Section 154.130 by amending Subsections (a) and (b), and adding Subsection (a-1), Family Code, as follows:

(a) Requires the court, without regard to Rules 296 (Request for Findings of Facts and Conclusions of Law) through 299 (Omitted Findings), Texas Rules of Civil Procedure, in rendering an order of child support, to make the findings required by Subsection (b) if the amount of child support ordered by the court varies from the amount computed by applying the percentage guidelines under Section 154.125 (Application of Guidelines to Net Resources) or 154.129 (Alternative Method of Computing Support for Children in More Than One Household), as applicable.

(a-1) Requires the court, if findings under this section are required as a result of the request by a party under Subsection (a)(1) (relating to the court making the findings required by Subsection (b) if a party files a written request with the court not later than 10 days after the date of the hearing;) or (2) (relating to the court making the findings required by Subsection (b) if a party makes an oral request in open court during the hearing) to make and enter the findings not later than the 15th day after the date of the party's request.

(b) Requires the court, if findings are required by this section, to state whether the application of the guidelines would be unjust or inappropriate and is required to state the following in the child support order: the net, rather than monthly net, resources of the obligor per month are \$___; the net, rather than the monthly net, resources of the obligee per month are \$___; the percentage applied to the obligor's net resources for child support, rather than the percentage applied to the obligor's net resources for child support by the actual order rendered by the court, is ___ percent; and, if applicable, the specific reasons that the amount of child support per month ordered by the court varies from the amount computed by applying the percentage guidelines under Section 154.125 or 154.129, as applicable. Deletes existing text requiring the court to state the amount of child support if the percentage guidelines are applied to the portion of the obligor's net resources that does not exceed the amount provided by Section 154.125(a) (relating to the guidelines for the support of a child), Family Code, is \$___; and, if applicable, that the obligor is obligated to support children in more than one household and certain facts about the children. Makes nonsubstantive and conforming changes.

SECTION 7. Amends Sections 154.181(b), (c), and (e), Family Code, as follows:

(b) Requires the court, before a hearing on temporary orders or a final order, if no hearing on temporary orders is held, to require the parties to the proceedings to disclose in a pleading or other statement if private health insurance is not in effect for the child, whether either parent has access to private health insurance at reasonable cost to the obligor, rather than to that parent.

(c) Requires the court, in rendering temporary orders, except for good cause shown, to order that any health insurance coverage in effect for the child continue in effect pending the rendition of a final order, except that the court is prohibited from requiring the continuation of any health insurance that is not available to the parent at reasonable cost

to the obligor. Requires the court, except for good cause shown, to order health care coverage for the child as provided under Section 154.182 (Health Care Coverage for Child), if there is no health insurance coverage in effect for the child or if the insurance in effect is not available at a reasonable cost to the obligor.

(e) Redefines "reasonable cost."

SECTION 8. Amends Sections 154.182(a), (b), (b-1), (b-2), and (c), Family Code, as follows:

(a) Requires the court to consider the cost accessibility, and quality of health insurance coverage available to the parties and give priority to health insurance coverage available through the employment of one of the parties if the coverage is available at a reasonable cost to the obligor.

(b) Requires the court, in determining the manner in which health care coverage for the child is to be ordered, to render its order in accordance with the following priorities, unless a party shows good cause why a particular order would not be in the best interest of the child:

(1) if health insurance is available for the child through a parent's employment or membership in a union, trade association, or other organization at reasonable cost, rather than reasonable cost to parent, the court is required to order that parent to include the child in the parent's health insurance;

(2) if health insurance is not available for the child under Subdivision (1) but is available to a parent at reasonable cost from another source, including the program under Section 154.1826 to provide health insurance in Title IV-D cases, rather than and at a reasonable cost, the court is authorized to order that parent to provide health insurance for the child; or

(3) if health insurance coverage is not available for the child under Subdivision (1) or (2), the court is required to order the obligor to pay the obligee, in addition to any amount ordered under the guidelines for child support, an amount, not to exceed nine percent of the obligor's annual resources, rather than monthly resources, as described by Section 154.062(b), as cash medical support for the child.

(b-1) Requires the court, if the parent ordered to provide health insurance under Subsection (b)(1) or (2) is the obligee, to order the obligor to pay the obligee, as additional child support, an amount equal to the actual cost of health insurance for the child, but not to exceed a reasonable cost to the obligor.

(b-2) Requires the court, if the court finds that neither parent has access to private health insurance at a reasonable cost to the obligor, to order the parent awarded the exclusive right to designate the child's primary resident or, to the extent permitted by law, the other parent to apply immediately on behalf of the child for participation in a government medical assistance program or health plan.

(c) Defines "accessibility." Makes a nonsubstantive change.

SECTION 9. Amends Subchapter D, Chapter 154, Family Code, by adding Sections 154.1826 and 154.1827, as follows:

Sec. 154.1826. HEALTH CARE PROGRAM FOR CERTAIN CHILDREN IN TITLE IV-D CASES. (a) Defines "health benefit plan issuer," "health care provider," "program," "reasonable cost," and "third-party administrator."

(b) Requires the Title IV-D agency, in consultation with the Texas Department of Insurance (TDI), the Health and Human Services Commission (HHSC), and representatives of the insurance industry in this state, to develop and implement a statewide child health care program (program) to address the health care needs of

children in Title IV-D cases for whom health insurance is not available to either parent at reasonable cost under Section 154.182(b)(1) or under Section 154.182(b)(2) from a source other than the program.

(c) Authorizes the director of the Title IV-D agency to establish an advisory committee to consult with the director regarding the implementation and operation of the program. Authorizes the director, if the director establish an advisory committee, to appoint any of the following persons to the advisory committee: representatives of appropriate public and private entities, including state agencies concerned with health care management; members of the judiciary; members of the legislature; and representatives of the insurance industry.

(d) Provides that the principal objective of the program is to provide basic health care services, including office visits with health care providers, hospitalization, and diagnostic and emergency services, to eligible children in Title IV-D cases at reasonable cost to the parents obligated by court order to provide medical support for the children.

(e) Authorizes the Title IV-D agency to use available private resources, including gifts and grants, in administering the program.

(f) Authorizes the Title IV-D agency to adopt rules as necessary to implement the program. Requires the Title IV-D agency to consult with TDI and HHSC in establishing policies and procedures for the administration of the program and in determining appropriate benefits to be provided under the program.

(g) Prohibits a health benefit plan issuer that practices in the program from denying health care coverage under the program to eligible children because of preexisting conditions or chronic illnesses. Provides that a child who is determined to be eligible for coverage under the program continues to be eligible until the termination of the parent's duty to pay child support as specified by Section 154.006 (Termination of Duty of Support). Provides that enrollment of a child in the program does not preclude the subsequent enrollment of the child in another health care plan that becomes available to the child's parent at reasonable cost, including a health care plan available through the parent's employment or the state child health plan under Chapter 62 (Child Health Plan for Certain Low-Income Children), Health and Safety Code.

(h) Requires the Title IV-D agency to contract with an independent third-party administrator to provide necessary administrative services for operation of the program.

(i) Provides that a person acting as a third-party administrator under Subsection (h) is not considered an administrator for purposes of Chapter 4151 (Third-Party Administrators), Insurance Code.

(j) Requires the Title IV-D agency to solicit applications for participating in the program from health benefit plan issuers that meet requirements specified by the agency. Requires each health benefit plan issuer that participates in the program to hold a certificate of authority issued by TDI.

(k) Requires the Title IV-D agency to promptly notify the courts of this state when the program has been implemented and is available to provide for the health care needs of children described by Subsection (b). Requires that the notification specify a date beginning on which children may be enrolled in the program.

(l) Requires a court that orders health care coverage for a child in a Title IV-D case, on or after the date specified in the notification required by Subsection (k), to order that the child be enrolled in the program authorized by this section unless other health insurance is available for the child at reasonable cost, including the state child health plan under Chapter 62, Health and Safety Code.

(m) Authorizes payment of premium costs for the enrollment of a child in the program to be enforced by the Title IV-D agency against the obligor by any means available for the enforcement of a child support obligation, including income withholding under Chapter 158 (Withholding from Earnings for Child Support).

(n) Provides that the program is not subject to any provision of the Insurance Code or other law that requires coverage or the officer of coverage of a health care service or benefit.

(o) Provides that any health information obtained by the program, or by a third-party administrator providing program services, that is subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et. seq.) or Chapter 181 (Medical Records Privacy), Health and Safety Code, is confidential and not open to public inspection. Provides that any personally identifiable financial information or supporting documentation of a parent whose child is enrolled in the program that is obtained by the program, or by a third-party administrator providing program services, is confidential and not open to public inspection.

Sec. 154.1827. ADMINISTRATIVE ADJUSTMENT OF MEDICAL SUPPORT ORDER. (a) Authorizes a Title IV-D agency, in each Title IV-D case in which a medical support order requires that a child be enrolled in a health care program under Section 154.1826, to administratively adjust the order as necessary on an annual basis to reflect changes in the amount of premium costs associated with the child's enrollment.

(b) Requires the Title IV-D agency to provide notice of the administrative adjustment to the obligor and the clerk of the court that rendered the order.

SECTION 10. Amends Section 154.183(c), Family Code, to require the court, as additional child support, to allocate between the parties, according to their circumstances, the reasonable and necessary health care expenses, including vision and dental expenses, of the child that are not reimbursed by health insurance or are not otherwise covered by the amount of cash medical support ordered under Section 154.182(b) (3) and amounts paid by either party as deductibles or copayments in obtaining health care services for the child covered under a health insurance policy. Makes nonsubstantive changes.

SECTION 11. Amends Section 154.187(c), Family Code, as follows:

(c) Requires an employer who has received an order or notice under this subchapter to provide to the sender, by first class mail not later than the 30th day after the date the employer receives the order or notice, a statement that the child:

(1) has been enrolled in the employer's health insurance plan, rather than a health insurance plan, or is already enrolled in another health insurance plan in accordance with a previous child support or medical support order to which the employee is subject; or

(2) cannot be enrolled or cannot be enrolled permanently in the employer's health insurance plan, rather than a health insurance plan, and provide the reason why coverage or permanent coverage cannot be provided. Makes nonsubstantive changes.

SECTION 12. Amends Section 154.191(b), Family Code, as follows:

(b) Provides that this subchapter does not limit the authority of the court to render or modify a medical support order to provide for payment of uninsured health expenses, health care costs, or health insurance premiums in a manner consistent with this subchapter. Deletes existing text providing that that this subchapter does not limit the authority of the court to render or modify a medical support order containing a provision

for payment of uninsured health expenses, health care costs, or health insurance premiums that are in addition to and inconsistent with this subchapter.

SECTION 13. Amends Section 157.005(b), Family Code, to provide that the court retains jurisdiction to confirm the total amount of child support arrearages and render a cumulative money judgment for past-due child support, as provided by Section 157.263 (Confirmation of Arrearages), if a motion for enforcement requesting a cumulative money judgment is filed not later than the 10th anniversary after a certain date.

SECTION 14. Amends Subchapter A, Chapter 157, Family Code, by adding Section 157.009, as follows:

Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS. Entitles an obligor to a credit, in addition to any other credit or offset available to an obligor under this title, if a child for whom the obligor owes child support receives a lump-sum payment as a result of the obligor's disability and that payment is made to the obligee as the representative payee of the child. Provides that the credit under this section is equal to the amount of the lump-sum payment and is required to be applied to any child support arrearage and interest owed by the obligor on behalf of that child at the time the payment is made.

SECTION 15. Amends Section 157.162(e), Family Code, to authorize the court, notwithstanding Subsection (d) (relating to prohibiting the court from finding a respondent in contempt of court for failure to pay child support), to award the petitioner costs of court and reasonable attorney's fees in a proceeding described by that subsection if the court finds that on the date the motion for enforcement was filed, the respondent was not current in the payment of child support as ordered by the court; and the respondent made the child support payments described by Subsection (d) after the date the respondent was served notice of the motion or otherwise discovered that the motion for enforcement has been filed.

SECTION 16. Amends Section 157.262(f), Family Code, to authorize the money judgment for arrearages rendered by the court to be subject to a counterclaim or offset as provided by this title, rather than subchapter.

SECTION 17. Amends Section 157.264, Family Code, by adding Subsection (c), to provide that an order rendered under Subsection (b) (relating to requiring the court to render an order relating to payments on the judgment) does not preclude or limit the use of any other means for enforcement of the judgment.

SECTION 18. Amends Section 157.268, Family Code, as follows:

Sec. 157.268. APPLICATION OF CHILD SUPPORT PAYMENT. Requires that child support collected be applied in a certain order of priority, including interest on the principal amounts specified in Subdivisions (3) (relating to the application of collected child support) and (4) (relating to the application of collected child support). Deletes existing text requiring that child support be applied to interest on the principal amounts specified in Subdivisions (4) and (5) (relating to the application of collected child support). Makes nonsubstantive changes.

SECTION 19. Amends Section 158.203, Family Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Requires an employer with 250 or more employees to remit a payment required under this section by electronic funds transfer or electronic data interchange not later than the second business day after the pay date. Deletes existing text requiring the employer to transmit the amount withheld for payments made by electronic funds transfer or electronic data interchange not later than the second business day after the pay date.

(b-1) Authorizes an employer with fewer than 250 employees to remit a payment required under this section by electronic funds transfer or electronic data interchange.

Requires that a payment remitted by the employer electronically be remitted not later than the date specified by Subsection (b).

SECTION 20. Amends Sections 158.215(a), (b), and (c), Family Code, as follows:

(a) Redefines "lump-sum payment."

(b) Provides that this section applies only to an employer who receives an administrative writ of withholding in a Title IV-D case, rather than a writ of withholding that requires that an obligor's income be withheld for child support arrearages.

(c) Prohibits an employer to whom this section applies from making a lump-sum payment to the obligor in the amount of \$500 or more without first notifying the Title IV-D agency rather than the Title IV-D agency that issued the writ, to determine whether all or a portion of the payment should be applied to child support arrearages owed by the obligor. Makes a nonsubstantive change.

SECTION 21. Amends Section 159.611(a), Family Code, to authorize a tribunal of this state, except as provided by Section 159.615, on petition, to modify a child support order issued in another state and registered in this state only if Section 159.613 does not apply and after notice and hearing the tribunal finds that this state is the state of residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support and assume continuing, exclusive jurisdiction. Makes nonsubstantive changes.

SECTION 22. Amends Section 160.103(a), Family Code, to provide that except as provided by Chapter 233, this chapter governs every determination of parentage in this state. Makes a nonsubstantive change.

SECTION 23. Amends Section 160.601(b), Family Code, to provide that the proceeding is governed by the Texas Rules of Civil Procedure, except as provided by Chapter 233.

SECTION 24. Amends Section 201.009(e), Family Code, to authorize the referring court, on a request for a de novo hearing, to consider testimony or other evidence in the record, rather than other evidence in the record if the record is taken by a court reporter, in addition to witnesses or other matters presented under Section 201.015 (De Novo Hearing Before Referring Court).

SECTION 25. Amends Section 201.015(c), Family Code, to make a conforming change.

SECTION 26. Amends Section 203.005(a), Family Code, to authorize the administering entity to authorize a domestic relations office to assess and collect an initial operations fee not to exceed the \$15 to be paid to the domestic relations office on each filing, rather than the filing, of an original suit, motion for modification, or motion for enforcement. Makes conforming and nonsubstantive changes.

SECTION 27. Amends Section 231.015, Family Code, as follows:

Sec. 231.015. New heading: INSURANCE REPORTING PROGRAM. (a) Requires the Title IV-D agency by rule, in consultation with TDI and representatives of the insurance industry in this state, including insurance trade associations, to operate a program, rather than establish a pilot program, to improve the enforcement of child support, including the use of child support liens under Chapter 157 (Enforcement). Requires the program, rather than pilot program, to provide for procedures, including data matches, rather than develop processes, under which insurance companies are required to cooperate with, rather than may voluntarily cooperate with, the Title IV-D agency in identifying obligors who owe child support arrearages or who are subject to liens for child support arrearages to intercept certain liability insurance settlements or awards for claims in satisfaction of the arrearage amounts.

(b) Provides that an insurance company that provides information or responds, rather than information or otherwise responds, to a notice of child support lien or levy under Subchapter G, Chapter 157, or acts in good faith to comply with procedures established by the Title IV-D agency, rather than established in the pilot program, under this section is not liable for those acts under any law to any person.

SECTION 28. Amends Section 231.202, Family Code, as follows:

Sec. 231.202. **AUTHORIZED COSTS AND FEES IN TITLE IV-D CASES.** Requires the Title IV-D agency, in a Title IV-D case filed under this title, including a case filed under Chapter 159 (Uniform Interstate Family Support Act), to pay only the following costs and fees, including filing fees and fees for issuance and service of process as provided by Chapter 110 (Court Fees) of this code and by Sections 51.317 (b)(1) (relating to fees for filing a suit or an appeal), (2) (relating to fees for certain actions or motions), and (3) (relating to fees for issuing citations, writs, or other processes) and (b-1) (relating to fees for filing a suit, including an appeal, from an inferior court), 51.318 (b)(2) (relating to fees for a citation, commission for deposition, or certain writs), and 51.319(2) (relating to a fee for serving process for certified or registered mail), Government Code, rather than Sections 51.317, 51.318(b)(2), and 51.319(2), Government Code; the fee for services provided by sheriffs and constables, including a fee authorized under Section 118.131 (Fees Set by Commissioners Court), Local Government Code, for serving each item of process to each individual on whom service is required, including service by certified or registered mail, and a fee authorized under Section 157.103(b) for serving *capias*, rather than the fee that sheriffs and constables are authorized to charge for serving process under certain circumstances, to be paid to a sheriff, constable, or clerk whenever service of process is required; and a fee authorized under a local rule for the electronic filing of documents with a clerk. Makes nonsubstantive changes.

SECTION 29. Amends Section 232.005(a), Family Code, to require that a petition under this chapter state that license suspension is required under Section 232.003 (Suspension of License) and allege the name of the licensing authority that issued a, rather than the, license the individual is believed to hold, rather than allege with regard to each license, the type, and if known, number of any license the individual is believed to hold.

SECTION 30. Amends Section 234.010, Family Code, as follows:

Sec. 234.010. **New heading: DIRECT DEPOSIT AND ELECTRONIC BENEFITS TRANSFER OF CHILD SUPPORT PAYMENTS.** (a) Authorizes the state disbursement unit authorized under this chapter to make a direct deposit of a child support payment, rather than to transmit a child support payment, to an obligee by an electronic funds transfer into an account, rather than transfer if the obligee maintains an account, with a financial institution maintained by the obligee. Provides that it is the responsibility of the obligee to notify the state disbursement unit of the existence of an account; the appropriate routing information for direct deposit by electronic funds transfer into an account; and any modification to account information previously provided to the state disbursement unit, including information that an account has been closed.

(b) Requires the state disbursement unit, except as provided by Subsection (d), to deposit a child support payment by electronic funds transfer into a debit card account established for the obligee by the Title IV-D agency if the obligee does not maintain an account with a financial institution, fails to notify the state disbursement unit of the existence of an account maintained with a financial institution; or closes an account maintained with a financial institution previously used to accept direct deposit of a child support payment without establishing a new account and notifying the state disbursement unit of the new account in accordance with Subsection (a). Deletes existing text authorizing the work group convened under this subchapter to develop a plan to assist an obligee who does not have an account with a financial institution to obtain an account.

(c) Requires the Title IV-D agency to issue a debit card to each obligee for whom a debit card account is established under Subsection (b) and provide the obligee with instructions for activating and using the debit card. Deletes existing text authorizing the work group to determine whether it is feasible and cost-effective for the state to administer an electronic benefits transfer system for child support obligees and is authorized to recommend implementation of such a system to the Title IV-D agency.

(c-1) Provides that Chapter 604 (Sale or Issuance of Stored Value Card), Business & Commerce Code, does not apply to a debit card issued under Subsection (c).

(d) Authorizes an obligee to decline in writing to receive child support payments by electronic funds transfer into an account with a financial institution or a debit card account and request that payments be provided by paper warrants if the obligee alleges that receiving payments by electronic funds transfer would impose a substantial hardship. Deletes existing text authorizing the Title IV-D agency or the vendor selected by the Title IV-D agency to operate the state disbursement unit, after receiving any recommendations by the work group under Subsection (c), to provide for electronic benefits transfer, if the request for proposals issued by the Title IV-D agency and any contract resulting from the selection of a vendor to provide the services specified in the request for proposals provides for electronic benefits transfer.

(e) Provides that a child support payment disbursed by the state disbursement unit by electronic funds transfer into an account with a financial institution maintained by the obligee or into a debit card account established for the obligee under Subsection (b) is solely the property of the obligee. Deletes existing text authorizing the work group to recommend and the Title IV-D agency to establish procedures to implement this section. Deletes existing Subsection (f) (relating to authorization for the Title IV-D to make certain requirements of the obligee.)

SECTION 31. Amends Section 34.001, Civil Practice and Remedies Code, by adding Subsection (c), to provide that this section does not apply to a judgment for child support under the Family Code.

SECTION 32. Amends Section 501.014(e), Government Code, to require the Texas Department of Criminal Justice (TDCJ), on receipt of a valid court order requiring an inmate to pay child support, to withdraw the appropriate amount from the inmate's account under this subsection, regardless of whether the court order is provided by the court or other person. Requires TDCJ to make withdrawals and payments from an inmate's account under this subsection according to a certain schedule of priorities, including as payment in full for all orders for reimbursement of HHSC, rather than the Texas Department of Human Services, for financial assistance provided for the child's health needs under Chapter 31 (Financial Assistance and Service Programs), Human Resources Code, to a child of the inmate.

SECTION 33. Amends Section 12.0011, Property Code, by adding Subsection (d) to provide that this section does not apply to a child support lien notice issued by the Title IV-D agency under Chapter 157, Family Code. Defines "Title IV-D agency" for purposes of this subsection.

SECTION 34. Amends Section 72.101, Property Code, by adding Subsection (e), to provide that this section does not apply to money collected as child support that is being held for disbursement by the state disbursement unit under Chapter 234 (State Case Registry, Disbursement Unit, and Directory of New Hires), Family Code, or a local registry, as defined by Section 101.018 (Attorney Ad Litem), Family Code, pending identification and location of the person to whom the money is owed; or has been disbursed by the state disbursement unit under Chapter 234, Family Code, by electronic funds transfer into a child support debit card account established for an individual under Section 234.010 (Direct Deposit of Child Support Payments), Family Code, but not activated by the individual.

SECTION 35. Amends Section 73.001(a)(1), Property Code, to redefine "account."

SECTION 36. Amends Section 601.454(c), Transportation Code, to authorize the agent, on request, and subject to appropriate safeguards to protect the privacy of motor vehicle owners developed by the implementing agencies and the attorney general, to provide the information to the attorney general for the purpose of enforcing child support obligations. Makes nonsubstantive changes.

SECTION 37. Repealer: Section 154.130(c) (relating to the application of the guidelines under Section 154.129), Family Code.

Repealer: Section 154.182(d) (relating to the additional calculation of child support to be withheld), Family Code.

Repealer: Section 234.011 (Use of Electronic Benefits Transfer for Child Support Payments), Family Code.

SECTION 38. Provides that Section 102.009, Family Code, as amended by this Act, applies to a proceeding under Chapter 233, Family Code, that is pending before the Title IV-D agency or initiated by the Title IV-D agency on or after the effective date of that provision.

SECTION 39. Makes application of Section 102.011, Family Code, as amended by this Act, prospective.

SECTION 40. Makes application of Sections 154.062 and 154.130, Family Code, as amended by this Act, prospective.

SECTION 41. Provides that Sections 154.181, 154.182, 154.183, and 154.191, Family Code, as amended by this Act, apply to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of those provisions.

SECTION 42. Makes application of Section 154.187, Family Code, as amended by this Act, prospective.

SECTION 43. Makes application of Section 157.009, Family Code, as added by this Act, prospective.

SECTION 44. Makes application of Section 157.162(e), Family Code, as added by this Act, prospective.

SECTION 45. Provides that Section 157.268, Family Code, as amended by this Act, applies only to child support collected on or after January 1, 2010.

SECTION 46. Makes application of Section 158.203, Family Code, as amended by this Act, prospective to September 1, 2009.

SECTION 47. Makes application Sections 201.009 and 201.015, Family Code, as amended by this Act, prospective.

SECTION 48. Provides that the changes in law made by this Act to Section 231.202, Family Code, by the amendment of Subdivision (4) and the enactment of Subdivision (7) of that section apply to a suit affecting the parent-child relationships pending in a trial court on or filed on or after September 1, 2009.

SECTION 49. Makes application of Section 232.005, Family Code, as amended by this Act, prospective.

SECTION 50. Provides that Section 34.001, Civil Practice and Remedies Code, as amended by this Act, applies to each judgment for child support under the Family Code, regardless of the date on which the judgment was rendered.

SECTION 51. (a) Effective date, except as provided by Subsections (b) and (c) of this section: upon passage or September 1, 2009.

(b) Effective date, Section 157.268, Family Code, as amended by this Act: January 1, 2010.

(c) Effective date: the changes in law made by this Act to Section 154.182(b), and Sections 158.203 and 231.202, Family Code: September 1, 2009.