

BILL ANALYSIS

Senate Research Center
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S.B. 1661
By: Harris
Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no statute of limitations on child support liens, which will eventually present a problem for the transferring of clear title of properties in Texas. There is an absence of certainty in connection with the amounts due and the tenure of the lien.

As proposed, S.B. 1661 provides that a lien is effective with respect to real property until the 10th anniversary of the date on which the lien notice was filed with the county clerk and authorizes a lien to be renewed for subsequent 10-year periods by filing a renewed lien in a certain manner. The bill provides that a renewed lien notice relates back to the date the original notice was filed. The bill also repeals a provision requiring the Office of the Attorney General (OAG), as the Title IV-D agency, to file a lien against an obligor's property under certain conditions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 157.318, Family Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that a lien, subject to Subsection (d), is effective until all certain support and child support arrearages including interest, any costs and reasonable attorney's fees, and any Title IV-D service fees authorized under Section 231.103 (Application and Service Fees), Family Code, for which the obligor is responsible, have been paid or the lien is otherwise released as provided by this subchapter.

(d) Provides that a lien is effective with respect to real property until the 10th anniversary of the date on which the lien notice was filed with the county clerk. Authorizes a lien subject to the limitation prescribed by this subsection to be renewed for subsequent 10-year periods by filing, before the expiration of the preceding 10-year period, a renewed lien notice in the same manner as the original lien notice. Provides that a renewed lien notice relates back to the date the original lien notice was filed.

SECTION 2. Repealer: Section 231.002(h) (relating to the requirement of a Title IV-D agency's enforcement of a child support obligation by filing a lien), Family Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.