

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3876** by Phillips (Relating to certain enforcement actions alleging the failure to pay child support.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend several sections of the Family Code related to certain enforcement actions alleging the failure to pay child support, under certain conditions, and child support lien notices.

The bill would allow a court to determine that a respondent is in contempt of court if the respondent has missed one or more child support payments regardless of an appearance at a hearing with a copy of proof of payment, and to award court costs and attorney's fees in certain enforcement actions alleging the failure to pay child support. Any award of costs or fees by a court pursuant to the legislation would have no fiscal effect on the court system.

The bill also would add certain requirements for financial institutions that receive child support lien notices, and would allow a financial institution to collect fees and costs from an obligor, but not deduct the amounts from the obligor's assets prior to paying the amount to the claimant.

The bill also would provide that the Office of the Attorney General shall pay a fee authorized under a local rule for the electronic filing of documents with a clerk. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing resources. The bill would take immediate effect if the bill receives two-thirds the vote of all members. Otherwise, the bill would take effect September 1, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, TP, MN, TB