

BILL ANALYSIS

C.S.H.B. 120
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The attorney general's office recently partnered with the Texas Workforce Commission (TWC) to create the Noncustodial Parent Choices pilot program as an employment service and child support enforcement program to assist low-income, noncustodial parents who are unable to pay child support payments because of unemployment. Participants of the program receive one-on-one help with employment retention support and services, job searching, and job readiness. Because the program is linked with compliance monitoring and reporting, participation in the program offers an option other than jail time to enforce child support. Interested parties report that, by increasing the ability of low-income, noncustodial parents to pay child support, this program has proven to be an effective tool to build family self-sufficiency and improve child well-being, and to save the state money by reducing unemployment insurance benefit claims and decreasing reliance on TANF by certain noncustodial parents.

C.S.H.B. 120 seeks to establish this successful pilot project in statute by requiring the Texas Workforce Commission and the attorney general's office to develop and administer a statewide employment services program to provide certain child support obligors with assistance in obtaining employment so that the obligors may satisfy child support obligations.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 120 amends the Labor Code to require the Texas Workforce Commission (TWC) and the office of the attorney general to jointly develop and administer an employment services program to provide eligible child support obligors with assistance in obtaining employment so that the obligors may satisfy their child support obligations. The bill requires the program to provide an eligible obligor employment services similar to those services provided to a recipient or nonrecipient parent under the Temporary Assistance for Needy Families (TANF) program and to direct eligible obligors, in appropriate cases, to local workforce development boards for skills assessment, job training, job placement, and job monitoring.

C.S.H.B. 120 authorizes a referral of an eligible obligor to employment services established under the bill's provisions to be made in conjunction with a referral by the attorney general's office of such an obligor to an appropriate state or local entity that provides employment services. The bill requires the TWC, by rule and in collaboration with the attorney general's office, to prescribe criteria for determining a child support obligor's eligibility to participate in the employment services program and requires the criteria to include the requirement that a child support obligor be unemployed or underemployed.

C.S.H.B. 120 authorizes the attorney general's office, on a determination by the office that an obligor in a Title IV-D case who is eligible to participate in the program is delinquent in paying a

child support obligation, to request a court of competent jurisdiction to render an order requiring the obligor to participate in the program. The bill requires the attorney general's office, in making such requests, to give priority to making requests in regard to obligors who are the parent of a current or former recipient of TANF or Medicaid. The bill requires the TWC, if the court orders an obligor to participate in the program, to direct the obligor to an appropriate workforce development board for skills assessment, job training, job placement, and job monitoring and to monitor the obligor's participation in any required program activities. The bill requires an obligor who fails to participate in the program as required by a court order to be reported to the attorney general's office for the imposition of any penalty authorized by law.

C.S.H.B. 120 authorizes the TWC to allocate for the development, implementation, and administration of the program any money available to the TWC through the federal grant provided to the state for TANF under the federal Social Security Act and authorizes the TWC to use any other federal or state funds available for that purpose. The bill requires the TWC, in collaboration with the attorney general's office, to adopt rules as necessary for the administration of the bill's provisions, including rules for directing eligible child support obligors to the employment services provided by the program and rules prescribing the job monitoring and reporting requirements under the program. The bill requires the TWC, in collaboration with the attorney general's office, to adopt the rules for administration of the bill's provisions as soon as practicable after the effective date of the bill.

C.S.H.B. 120 provides for the meaning of "nonrecipient parent" by reference to the Human Resources Code and provides for the meaning of "obligor," "Title IV-D agency," and "Title IV-D case" by reference to the Family Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 120 differs from the original by omitting the specification that the employment services program for eligible child support obligors developed and administered by the Texas Workforce Commission (TWC) and the attorney general's office is a statewide program, whereas the original specifies that the program is a statewide program.

C.S.H.B. 120 differs from the original by requiring the TWC, by rule and in collaboration with the attorney general's office, to prescribe criteria for determining a child support obligor's eligibility to participate in the program that includes the requirement that a child support obligor be unemployed or underemployed, whereas the original requires a child support obligor, in order to be eligible to receive employment services under the program, to be a parent of a current or former recipient of the Temporary Assistance for Needy Families (TANF) program or Medicaid and be unable to satisfy the obligor's child support obligation as a result of the obligor's unemployment or underemployment.

C.S.H.B. 120 contains a provision not included in the original requiring the attorney general's office, in making requests for a court to render an order requiring an obligor to participate in the employment services program, to give priority to making requests in regard to obligors who are the parent of a current or former recipient of TANF or Medicaid.

C.S.H.B. 120 differs from the original by requiring the TWC to adopt rules for directing eligible child support obligors to the employment services provided by the program, whereas the original requires the TWC to adopt rules for identifying eligible obligors and directing those obligors to the employment services provided by the program.