

## **BILL ANALYSIS**

C.S.H.B. 3839  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, many judges will only consider modifying a child support order if the modification meets a requirement that the current award differ by 20 percent or \$100 from the amount that would be awarded in accordance with child support guidelines. This can lead to a noncustodial parent paying more than what is legally obligated or a custodial parent receiving an amount less than the amount to which the child is entitled. In these tough economic times, accurate child support payments are critical for many families.

C.S.H.B. 3839 seeks to encourage noncustodial parents to stay active in the lives of their children and comply with the child support order on a consistent basis and in a timely fashion by decreasing the number of years required to have passed since a child support order was rendered or modified and decreasing the amount by which a monthly child support award must differ from the amount awarded under child support guidelines for a child support order to be modified and for the attorney general to be required to file an appropriate child support review order.

### **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**

C.S.H.B. 3839 amends the Family Code to decrease the number of years required to have passed since a child support order was rendered or last modified from three years to two years, and to decrease the amount by which a monthly child support award must differ from the amount that would be awarded in accordance with child support guidelines from either 20 percent or \$100 to either 10 percent or \$50, for a court to modify such order or for the attorney general to be required to file an appropriate child support review order.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3839 differs from the original by decreasing the number of years required to have passed since an order for child support was rendered or last modified from three years to two years for a court to be authorized to modify such an order, whereas the original retains current law.

C.S.H.B. 3839 contains a provision not included in the original decreasing the number of years required to have passed since a child support order was rendered or last modified from three years to two years, and decreases the amount by which a monthly child support award must differ from the amount that would be awarded in accordance with child support guidelines from

either 20 percent or \$100 to either 10 percent or \$50, for the attorney general to be required to file an appropriate child support review order. The substitute differs from the original in nonsubstantive ways and by conforming to certain bill drafting conventions.