

BILL ANALYSIS

S.B. 716
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 467 of the Social Security Act (42 U.S.C. 667) requires that, as a condition for having its Title IV-D child support "state plan" approved by the secretary of the United States Department of Health and Human Services:

"Each State... must establish guidelines for child support award amounts within the State. The guidelines may be established by law or by judicial or administrative action, and shall be reviewed at least once every 4 years to ensure that their application results in the determination of appropriate child support award amounts."

Disapproval of the Title IV-D state plan could result in the loss to the state not only of federal funding for its child support enforcement program, but also loss of federal funding for its public assistance programs.

Section 111.001 (Review of Guidelines) of the Texas Family Code provides the standing committees of each house of the legislature with the main responsibility for reviewing the guidelines in Chapters 153 (Conservatorship, Possession, and Access) and 154 (Child Support) of the Family Code.

To ensure compliance with federal requirements, this legislation would assign to the Title IV-D agency direct responsibility for undertaking a comprehensive review of the guidelines "at least once every four years," using its internal resources and, to the extent funds are available, external resources. The Title IV-D agency would then submit to the appropriate committees of the legislature a report with findings and recommendations (in the form of legislative proposals) for any changes to the statutory guidelines and their application.

The change will ensure compliance with federal requirements and prevent a loss of federal funding.

S.B. 716 amends current law relating to the periodic review of the child support guidelines.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 111.001, Family Code, as follows:

Sec. 111.001. REVIEW OF GUIDELINES. (a) Deletes existing text requiring the standing committees of each house of the legislature having jurisdiction over family law issues, prior to each regular legislative session, to review and, if necessary, recommend revisions to the guidelines for support of a child under Chapter 154 (Child Support).

(b) Requires the Title IV-D agency at least once every four years to review the child support guidelines under Chapter 154 as required by 42 U.S.C. Section 667(a) and report the results of the review and any recommendations for changes to the guidelines or their manner of application to the standing committees of each

house of the legislature having jurisdiction over family law issues, rather than requiring the Title IV-D agency, not later than December 1 of each even-numbered year to submit a report to the standing committees of each house of the legislature having jurisdiction over family law issues, for use by the committee in conducting the review required by Subsection (a). Deletes existing text requiring the report to contain economic data obtained from the United States Department of Agriculture on the cost of raising children, an analysis of case data on the application of and deviations from the child support guidelines, and a summary of any federal legislation enacted since the date of the last review.

SECTION 2. Requires the Title IV-D agency, not later than January 1, 2013, to submit the initial report required by Section 111.001(b), Family Code, as amended by this Act.

EFFECTIVE DATE

Effective date: September 1, 2011.