

BILL ANALYSIS

S.B. 1751
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Noncustodial, obligor parents must pay child support in an amount based on the calculation of their net resources. In determining an obligor parent's net resources, current law deducts certain expenses off the top of that parent's gross resources. These include social security payments, federal income tax payments, state income tax payments, union dues, and expenses for the cost of health insurance or cash medical support for the obligor's child ordered by the court under Section 154.182 (Health Care Coverage for Child), Family Code.

Once these deductions have been taken off the top, the court will have some monetary amount that is deemed the obligor parent's net resources. The obligor parent must then pay a percentage of his or her net resources in child support.

S.B. 1751 would add nondiscretionary retirement plan contributions to this list of deductions. Certain professions require workers to pay into mandatory retirement and pension funds that are not currently included in the deductions when calculating net resources. S.B. 1751 would include these required payments in the list of deductions when calculating an obligor parent's net resources.

As proposed, S.B. 1751 amends current law relating to calculation of the net resources of a person ordered to pay child support.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 154.062, Family Code, by amending Subsection (d) and adding Subsection (f), as follows:

(d) Requires the court to deduct the following items from resources to determine the net resources available for child support:

(1)-(3) Makes no changes to these subdivisions;

(4)-(5) Makes nonsubstantive changes; and

(6) if the obligor does not pay social security taxes, nondiscretionary retirement plan contributions.

(f) Provides that, for purposes of Subsection (d)(6), a nondiscretionary retirement plan is a plan to which an employee is required to contribute as a condition of employment.

SECTION 2. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2012.