

By: West

S.B. No. 1236

A BILL TO BE ENTITLED

AN ACT

relating to the reduction and confirmation of child support arrearages and an incentive program to encourage payment of arrearages.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 157.263, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In rendering a money judgment under this section, the court may not reduce or modify the amount of child support arrearages but, in confirming the amount of arrearages, may allow a counterclaim or offset as provided by this title.

SECTION 2. Subchapter B, Chapter 231, Family Code, is amended by adding Section 231.124 to read as follows:

Sec. 231.124. CHILD SUPPORT ARREARAGES PAYMENT INCENTIVE PROGRAM. (a) The Title IV-D agency may establish and administer a payment incentive program to promote payment by obligors who are delinquent in satisfying child support arrearages assigned to the Title IV-D agency under Section 231.104(a).

(b) A program established under this section must provide to a participating obligor a credit for every dollar amount paid by the obligor on interest and arrearages balances during each month of the obligor's voluntary enrollment in the program. In establishing a program under this section, the Title IV-D agency by rule must prescribe:

1 (1) criteria for a child support obligor's initial
2 eligibility to participate in the program;

3 (2) the conditions for a child support obligor's
4 continued participation in the program;

5 (3) procedures for enrollment in the program; and

6 (4) the terms of the financial incentives to be
7 offered under the program.

8 (c) The Title IV-D agency shall provide eligible obligors
9 with notice of the program and enrollment instructions.

10 SECTION 3. Section 157.262, Family Code, is repealed.

11 SECTION 4. Subsection (b-1), Section 157.263, Family Code,
12 as added by this Act, applies to a motion for enforcement of child
13 support that is pending before a trial court on or filed on or after
14 the effective date of this Act.

15 SECTION 5. This Act takes effect September 1, 2011.