

By: Moody, et al.

H.B. No. 3017

A BILL TO BE ENTITLED

1 AN ACT
2 relating to determination of the amount of certain child support
3 obligations.

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

5 SECTION 1. Section 154.062(b), Family Code, is amended to
6 read as follows:

7 (b) Resources include:

8 (1) 100 percent of all wage and salary income and other
9 compensation for personal services (including commissions,
10 overtime pay, tips, and bonuses);

11 (2) interest, dividends, and royalty income;

12 (3) self-employment income;

13 (4) net rental income (defined as rent after deducting
14 operating expenses and mortgage payments, but not including noncash
15 items such as depreciation); and

16 (5) all other income actually being received,
17 including severance pay, retirement benefits, pensions, trust
18 income, annuities, capital gains, social security benefits other
19 than supplemental security income, United States Department of
20 Veterans Affairs disability benefits other than
21 non-service-connected disability pension benefits, as defined by
22 38 U.S.C. Section 101(17), unemployment benefits, disability and
23 workers' compensation benefits, interest income from notes
24 regardless of the source, gifts and prizes, spousal maintenance,

1 and alimony.

2 SECTION 2. Section 154.066, Family Code, is amended to read
3 as follows:

4 Sec. 154.066. INTENTIONAL UNEMPLOYMENT OR UNDEREMPLOYMENT.

5 (a) If the actual income of the obligor is significantly less than
6 what the obligor could earn because of intentional unemployment or
7 underemployment, the court may apply the support guidelines to the
8 earning potential of the obligor.

9 (b) In determining whether an obligor is intentionally
10 unemployed or underemployed, the court may consider evidence that
11 the obligor is a veteran, as defined by 38 U.S.C. Section 101(2),
12 who is seeking or has been awarded:

13 (1) United States Department of Veterans Affairs
14 disability benefits, as defined by 38 U.S.C. Section 101(16); or

15 (2) non-service-connected disability pension
16 benefits, as defined by 38 U.S.C. Section 101(17).

17 SECTION 3. Section 154.068, Family Code, is amended to read
18 as follows:

19 Sec. 154.068. WAGE AND SALARY PRESUMPTION. In the absence
20 of evidence of a party's resources, as defined by Section
21 154.062(b) [the wage and salary income of a party], the court shall
22 presume that the party has income [wages or salary] equal to the
23 federal minimum wage for a 40-hour week to which the support
24 guidelines may be applied.

25 SECTION 4. The changes in law made by this Act to Sections
26 154.062, 154.066, and 154.068, Family Code, apply only to a
27 proceeding to establish or modify a child support obligation that

H.B. No. 3017

1 is pending in a trial court on or filed on or after the effective
2 date of this Act.

3 SECTION 5. This Act takes effect September 1, 2013.