

AN ACT

relating to determination of the amount of certain child support obligations.

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

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

(b) Resources include:

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

(2) interest, dividends, and royalty income;

(3) self-employment income;

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

(5) all other income actually being received, including severance pay, retirement benefits, pensions, trust income, annuities, capital gains, social security benefits other than supplemental security income, United States Department of Veterans Affairs disability benefits other than non-service-connected disability pension benefits, as defined by 38 U.S.C. Section 101(17), unemployment benefits, disability and workers' compensation benefits, interest income from notes 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.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3017 was passed by the House on May 8, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3017 was passed by the Senate on May 20, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor