

By: Carter

H.B. No. 3823

A BILL TO BE ENTITLED

AN ACT

relating to the accrual of interest on overdue child support.

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

SECTION 1. Sections 157.265(a), (b), and (c), Family Code, are amended to read as follows:

(a) Interest accrues on the portion of delinquent child support that is greater than the amount of the monthly periodic support obligation at the rate of seven [~~six~~] percent simple interest per year from the date the support is delinquent until the date the support is paid or the arrearages are confirmed and reduced to money judgment.

(b) Interest accrues on child support arrearages that have been confirmed and reduced to money judgment as provided in this subchapter at the rate of seven [~~six~~] percent simple interest per year from the date the order is rendered until the date the judgment is paid.

(c) Interest accrues on a money judgment for retroactive or lump-sum child support at the annual rate of seven [~~six~~] percent simple interest from the date the order is rendered until the judgment is paid.

SECTION 2. Sections 157.265(d), (e), and (f), Family Code, are repealed.

SECTION 3. (a) Section 157.265(a), Family Code, as amended by this Act, applies to a child support payment that becomes due on

1 or after January 1, 2014.

2 (b) Child support arrearages in existence on January 1,  
3 2014, that were not confirmed and reduced to a money judgment on or  
4 before that date accrue interest as follows:

5 (1) before January 1, 2002, the arrearages are subject  
6 to the interest rate that applied to the arrearages before that  
7 date;

8 (2) on or after January 1, 2002, but before January 1,  
9 2014, the arrearages are subject to the interest rate that applied  
10 to the arrearages immediately before the effective date of this  
11 Act; and

12 (3) on or after January 1, 2014, the cumulative total  
13 of arrearages and interest accumulated on the arrearages described  
14 by Subdivisions (1) and (2) of this subsection is subject to Section  
15 157.265(a), Family Code, as amended by this Act.

16 (c) Sections 157.265(b) and (c), Family Code, as amended by  
17 this Act, apply only to a money judgment for child support rendered  
18 on or after January 1, 2014. A money judgment rendered before that  
19 date is governed by the law in effect on the date the judgment was  
20 rendered, and the former law is continued in effect for that  
21 purpose.

22 SECTION 4. This Act takes effect September 1, 2013.