

By: Van de Putte

S.B. No. 899

A BILL TO BE ENTITLED

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, unemployment benefits, disability and workers' compensation benefits, interest income from notes regardless of the source, gifts and prizes, spousal maintenance, and alimony.

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

3 Sec. 154.066. INTENTIONAL UNEMPLOYMENT OR UNDEREMPLOYMENT.

4 (a) Except as provided by Subsection (b), if ~~[if]~~ the actual income
5 of the obligor is significantly less than what the obligor could
6 earn because of intentional unemployment or underemployment, the
7 court may apply the support guidelines to the earning potential of
8 the obligor.

9 (b) The court may not consider the unemployment or
10 underemployment of an obligor as intentional if the obligor is a
11 veteran, as defined by 38 U.S.C. Section 101(2), who has:

12 (1) a service-connected disability, as defined by 38
13 U.S.C. Section 101(16); or

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

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

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

24 SECTION 4. The changes in law made by this Act to Sections
25 154.062, 154.066, and 154.068, Family Code, apply only to a
26 proceeding to establish or modify a child support obligation that
27 is pending in a trial court on or filed on or after the effective

1 date of this Act.

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