

## **BILL ANALYSIS**

Senate Research Center

H.B. 545  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not provide for any protections for parents who pay their child support late but in full. The problem lies in the repealing of protections for parents paying child support who may fall behind on payments. Before the laws were repealed if a parent paying child support made late payments in full usually that parent would not have been found in contempt of court.

In recent news a father was found in contempt of court for making late child support payments in full before a court hearing. The late payments were made due to a clerical error by his employer. Although the father paid the balance in full, before the hearing to enforce the child support order, he was thereafter sentenced to 180 days for contempt of court.

H.B. 545 amends Section 157.162 of the Family Code to prevent family court judges from finding a parent in contempt of court after payment of past due balances of child support. The parent must provide a payment record or other evidence of satisfactory payment at the hearing to enforce the order of child support.

H.B. 545 amends current law relating to the enforcement of an order to pay child support by contempt.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 157.162, Family Code, by adding Subsection (d), as follows:

(d) Authorizes the court to hold the respondent in contempt if a respondent appears at the hearing for failure to pay child support with a copy of the payment record or other evidence satisfactory to the court showing that the respondent is current in the payment of child support as ordered by the court, but prohibits the court from punishing the respondent by confinement unless, in the 24 months preceding the date of the hearing, the respondent has been held in contempt of court for failure to pay child support.

SECTION 2. Provides that the change in law made by this Act applies to a hearing to enforce an order in a suit affecting the parent-child relationship that commences on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2015.