

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3121
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State Affairs
5/21/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerned observers assert the need for more adequate measures to ensure parties in conflict or divorce abide by a judge's temporary orders and standing orders, including orders intended to prevent the parties from selling assets, hiding or spending money, incurring unnecessary debt, cancelling credit cards, changing beneficiaries of life insurance policies, altering utilities, or otherwise harassing the other party.

C.S.H.B. 3121 seeks to grant the court the authority to better enforce these types of orders. Specifically, the bill extends the types of orders a court is authorized to enforce by contempt to include any provision of a temporary order or final order. The bill defines temporary order to include a temporary restraining order, standing order, injunction, and any other temporary order rendered by a court.

C.S.H.B. 3121 amends current law relating to the enforcement of orders in a suit affecting the parent-child relationship.

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 157.001, Family Code, by amending Subsections (a), (b), and (c) and adding Subsection (e), as follows:

- (a) Provides that a motion for enforcement as provided in this chapter may be filed to enforce any provision of a temporary or final order, rather than provides that a motion for enforcement as provided in this chapter may be filed to enforce a final order for conservatorship, child support, possession of or access to a child, or other provisions of a final order.
- (b) Authorizes the court to enforce by contempt any provision of a temporary or final order, rather than authorizes the court to enforce by contempt a final order for possession of and access to a child as provided in this chapter.
- (c) Authorizes the court to enforce a temporary or final order for child support as provided in this chapter or Chapter 158 (Withholding From Earnings for Child Support).
- (e) Defines "temporary order" for purposes of this section.

SECTION 2. Amends Sections 157.062(c) and (d), Family Code, as follows:

- (c) Requires that any provision of a final order rendered against a party who has already appeared in a suit under this title, or any provision of a temporary order, notice of hearing on a motion for enforcement of a final order, rather than an existing order, providing for child support or possession of or access to a child, be given to the respondent by personal

service of a copy of the motion and notice not later than the 10th day before the date of the hearing. Defines "temporary order" for purposes of this section.

(d) Provides that, if a motion for enforcement of a final order, other than a final order rendered against a party who has already appeared in a suit under this title, is joined with another claim:

(1) and (2) Makes no change to these subdivisions.

SECTION 3. Amends Section 157.065(a), Family Code, to provide that, if a party has been ordered under Chapter 105 (Settings, Hearings, and Orders) to provide the court and the state case registry with the party's current mailing address, notice of a hearing on a motion for enforcement of a final order may be served by mailing a copy of the notice to the respondent, together with a copy of the motion, by first class mail to the last mailing address of the respondent on file with the court and the registry.

SECTION 4. Provides that the changes in law made by this Act apply to a motion for enforcement that is filed on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.