

BILL ANALYSIS

C.S.S.B. 1727
By: Creighton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As the state's designated Title IV-D agency, the office of the attorney general administers the state's Title IV-D Program, a federally funded program through which Texas collects, enforces, and distributes child support. While the state must ensure compliance with federal regulations in order to maintain this authority, the state continuously looks for ways to streamline processes and eliminate redundancies with the goal of providing faster service delivery to children and families. Interested parties assert that, as jobs and parenting arrangements can be subject to change, maintaining the most current employment and child placement information is critical in assessing whether a child and parent are receiving adequate financial support. C.S.S.B. 1727 seeks to amend current law to provide the office of the attorney general the ability to adjust child support orders with greater efficiency and enhanced consistency in courts across the state.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1727 amends the Family Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to specify that the authority of the office of the attorney general to transmit a record in a Title IV-D case of the order rendered in a suit affecting the parent-child relationship and certain information relating to the applicable child to the vital statistics unit applies with respect to the direct transmission of that order and information and to remove statutory language providing for the transmission of a copy of the record and information to the clerk of the court on request by the clerk. The bill authorizes the office of the attorney general, on determining that the primary care and possession of a child under a child support order has changed, to file a petition for modification of the order under statutory provisions relating to the modification of an order for conservatorship, support, or possession of and access to a child. The bill specifies that all files and records of services provided by the office of the attorney general, as the state's designated Title IV-D agency, under statutory provisions relating to the parent-child relationship and suits affecting the parent-child relationship are confidential, including information concerning a custodial parent, a noncustodial parent, a child, or an alleged or presumed father. The bill establishes a deadline for directly providing the office of the attorney general or the Title IV-D agency of another state information relating to the identity, location, employment, compensation, benefits, income, and property holdings or other assets of any person requested by the applicable Title IV-D agency of not later than the seventh day after the request to obtain the information is received.

C.S.S.B. 1727 expands the circumstances under which the office of the attorney general may file an appropriate child support review order to include the existence of any grounds for modification of a child support order and removes statutory language limiting that authority to cases in which three years have passed since the order was rendered or last modified and the amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded under the child support guidelines. The bill clarifies that the requirement that the office of the attorney general order parentage testing if a party denies parentage applies if a party denies parentage of a child whose parentage has not previously been acknowledged or adjudicated. The bill includes an independent contractor as defined by the Internal Revenue Service among the persons who are considered employees for purposes of statutory provisions relating to the state directory of new hires.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

C.S.S.B. 1727 differs from the engrossed version in minor or nonsubstantive ways to conform to changes made by S.B. 219, Act of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.