

By: Dutton, Guillen

H.B. No. 364

A BILL TO BE ENTITLED

AN ACT

relating to the child support obligation of an obligor during the obligor's confinement in jail or prison.

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

SECTION 1. Section 157.162, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The court may not find a respondent in contempt of court for failure to pay child support if the respondent or the respondent's attorney appears at the hearing with evidence satisfactory to the court showing that:

(1) the unpaid child support accrued during the obligor's confinement in a local, state, or federal jail or prison for a period of at least 90 consecutive days, other than confinement:

(A) for an offense constituting an act of family violence, as defined by Section 71.004, committed against the obligee or a child covered by the child support order; or

(B) resulting from the obligor's failure to comply with a child support order; and

(2) the obligor did not have sufficient resources available to comply with the child support order during the period of the obligor's confinement.

SECTION 2. Section 157.162(d), Family Code, as added by this Act, applies to a hearing to enforce an order in a suit

1 affecting the parent-child relationship that commences on or after  
2 the effective date of this Act. A hearing that commences before the  
3 effective date of this Act is governed by the law in effect on the  
4 date the hearing commenced, and the former law is continued in  
5 effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2015.