

By: Rodríguez

S.B. No. 375

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the applicability of a wage and salary presumption to an
3 incarcerated person for purposes of determining child support
4 obligations.

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

6 SECTION 1. Section 154.068, Family Code, is amended to read
7 as follows:

8 Sec. 154.068. WAGE AND SALARY PRESUMPTION. (a) In the
9 absence of evidence of a party's resources, as defined by Section
10 154.062(b), the court shall presume that the party has income equal
11 to the federal minimum wage for a 40-hour week to which the support
12 guidelines may be applied.

13 (b) The presumption required by Subsection (a) does not
14 apply if the party is subject to an order of confinement that
15 exceeds 90 days and is incarcerated in a local, state, or federal
16 jail or prison at the time the court makes the determination
17 regarding the party's income.

18 SECTION 2. The change in law made by this Act to Section
19 154.068, Family Code, applies only to a proceeding to establish or
20 modify a child support obligation that is pending in a trial court
21 on or filed on or after the effective date of this Act.

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