

By: Creighton
(Riddle)

S.B. No. 1727

Substitute the following for S.B. No. 1727:

By: Dutton

C.S.S.B. No. 1727

A BILL TO BE ENTITLED

AN ACT

relating to the duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support.

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

SECTION 1. Section 108.001(d), Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(d) In a Title IV-D case, the Title IV-D agency may transmit the record and information specified by Subsection (a) directly to the vital statistics unit~~[, with a copy to the clerk of the court on request by the clerk]~~. The record and information are not required to be certified if transmitted by the Title IV-D agency under this subsection.

SECTION 2. Section 231.101(d), Family Code, is amended to read as follows:

(d) The Title IV-D agency may review a support order at any time on a showing of a material and substantial change in circumstances, taking into consideration the best interests of the child. If the Title IV-D agency determines that the primary care and possession of the child has changed, the Title IV-D agency may file a petition for modification under Chapter 156.

SECTION 3. Section 231.108(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (c), all files and

1 records of services provided by the Title IV-D agency under this
2 title [~~chapter~~], including information concerning a custodial
3 parent, a noncustodial parent, a child, or [~~and~~] an alleged or
4 presumed father, are confidential.

5 SECTION 4. Section 231.302(b), Family Code, is amended to
6 read as follows:

7 (b) A government agency, private company, institution, or
8 other entity shall provide the information requested under
9 Subsection (a) directly to the Title IV-D agency not later than the
10 seventh day after the request to obtain information is received,
11 without the requirement of payment of a fee for the information, and
12 shall, subject to safeguards on privacy and information security,
13 provide the information in the most efficient and expeditious
14 manner available, including electronic or automated transfer and
15 interface. Any individual or entity disclosing information under
16 this section in response to a request from a Title IV-D agency may
17 not be held liable in any civil action or proceeding to any person
18 for the disclosure of information under this subsection.

19 SECTION 5. Section 233.013(b), Family Code, is amended to
20 read as follows:

21 (b) If grounds exist for modification of [~~it has been three~~
22 ~~years since~~] a child support order under Subchapter E, Chapter 156
23 [~~was rendered or last modified and the amount of the child support~~
24 ~~award under the order differs by either 20 percent or \$100 from the~~
25 ~~amount that would be awarded under the child support guidelines~~],
26 the Title IV-D agency may file an appropriate child support review
27 order, including an order that has the effect of modifying an

existing court or administrative order for child support without the necessity of filing a motion to modify.

SECTION 6. Section 233.028(c), Family Code, is amended to read as follows:

(c) If a party denies parentage of a child whose parentage has not previously been acknowledged or adjudicated, the Title IV-D agency shall order parentage testing and give each party notice of the time and place of testing. If either party fails or refuses to participate in administrative parentage testing, the Title IV-D agency may file a child support review order resolving the question of parentage against that party. The court shall confirm the child support review order as a temporary or final order of the court only after an opportunity for parentage testing has been provided.

SECTION 7. Section 234.101(1), Family Code, is amended to read as follows:

(1) "Employee" means an individual who is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986 (26 U.S.C. Section 3401(c)) or an independent contractor as defined by the Internal Revenue Service. The term does not include an employee of a state agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting employee information under this subchapter could endanger the safety of the employee or compromise an ongoing investigation or intelligence activity.

SECTION 8. (a) Section 108.001, Family Code, as amended by this Act, applies only to the transmission of a record and information to the vital statistics unit of the Department of State

1 Health Services on or after the effective date of this Act.

2 (b) Section 231.302, Family Code, as amended by this Act,
3 applies only to a request for information that is received on or
4 after the effective date of this Act.

5 SECTION 9. This Act takes effect September 1, 2015.