

BILL ANALYSIS

Senate Research Center

S.B. 1965
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1965 clarifies a number of issues in current statutes regarding capias release and preliminary hearings and child support payments.

Section 1 allows courts to conduct capias release hearings remotely via telephonic or other electronic means. Release hearings typically only last 10 minutes and require the participation of assistant attorneys general, private attorneys, or other parties. This would save time and money spent by these parties to travel to rural courts for these short hearings.

Similarly, preliminary hearings often occur simultaneously with capias release hearings. Section 2 also allows interested parties to participate telephonically or by other electronic means.

Section 3 clarifies that proceeds derived from the sale of oil or gas production qualify as a type of property subject to a child support lien. This will assist the Child Support Division, family law attorneys, and pro se parties in collecting overdue child support from these types of assets.

In Section 4, the Natural Resources Code is amended to allow payments to be withheld from the proceeds of the sale of oil or gas interests when there is a claim for child support asserted against the proceeds. This only applies to a child support lien issued after this legislation goes into effect.

S.B. 1965 amends current law relating to enforcement of child support obligations.

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 157.105, Family Code, by adding Subsection (a-1), to authorize the court to conduct the release hearing under Subsection (a) (relating to requiring that the respondent be brought before the court under certain conditions) through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that the method of appearance will facilitate the hearing.

SECTION 2. Amends Section 157.163, Family Code, by adding Subsection (d-1), to authorize the court to conduct a hearing on the issue of indigency through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducting the hearing in that manner will facilitate the hearing.

SECTION 3. Amends Section 157.317(a), Family Code, to provide that a child support lien attaches to all real and personal property not exempt under the Texas Constitution or other law, including, among other assets, the proceeds derived from the sale of oil or gas production from an oil and gas well located in this state.

SECTION 4. Amends Section 91.402(b), Natural Resources Code, to authorize payments to be withheld without interest beyond the time limits set out in Subsection (a) (relating to the payment

schedule for proceeds derived from the sale of oil or gas production from an oil or gas well) if the payments are subject to a child support lien under Chapter 157 (Enforcement), Family Code, or an order or writ of withholding issued under Chapter 158 (Withholding From Earnings for Child Support), Family Code. Makes nonsubstantive changes.

SECTION 5. Makes application of Section 157.317, Family Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2017.