

By: Creighton, et al.
(Dutton)

S.B. No. 1965

A BILL TO BE ENTITLED

AN ACT

relating to enforcement of child support obligations.

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

SECTION 1. Section 157.105, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The court may conduct the release hearing under Subsection (a) 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. Section 157.163, Family Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The court may 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. Section 157.317(a), Family Code, is amended to read as follows:

(a) A child support lien attaches to all real and personal property not exempt under the Texas Constitution or other law, including:

- (1) an account in a financial institution;
- (2) a retirement plan, including an individual retirement account;

1 (3) the proceeds of an insurance policy, including the
2 proceeds from a life insurance policy or annuity contract and the
3 proceeds from the sale or assignment of life insurance or annuity
4 benefits, a claim for compensation, or a settlement or award for the
5 claim for compensation, due to or owned by the obligor; ~~and~~

6 (4) property seized and subject to forfeiture under
7 Chapter 59, Code of Criminal Procedure; and

8 (5) the proceeds derived from the sale of oil or gas
9 production from an oil or gas well located in this state.

10 SECTION 4. Section 91.402(b), Natural Resources Code, is
11 amended to read as follows:

12 (b) Payments may be withheld without interest beyond the
13 time limits set out in Subsection (a) if:

14 (1) ~~[of this section when]~~ there is:

15 (A) ~~[(1)]~~ a dispute concerning title that would
16 affect distribution of payments;

17 (B) ~~[(2)]~~ a reasonable doubt that the payee:

18 (i) ~~[(A)]~~ has sold or authorized the sale
19 of its share of the oil or gas to the purchaser of such production;

20 or

21 (ii) ~~[(B)]~~ has clear title to the interest
22 in the proceeds of production; or

23 (C) ~~[(3)]~~ a requirement in a title opinion that
24 places in issue the title, identity, or whereabouts of the payee and
25 that has not been satisfied by the payee after a reasonable request
26 for curative information has been made by the payor; or

27 (2) the payments are subject to a child support lien

1 under Chapter 157, Family Code, or an order or writ of withholding
2 issued under Chapter 158, Family Code.

3 SECTION 5. The change in law made by this Act to Section
4 157.317, Family Code, applies only to a child support lien notice
5 issued on or after the effective date of this Act. A child support
6 lien notice issued before the effective date of this Act is governed
7 by law in effect on the date the lien notice was issued, and the
8 former law is continued in effect for that purpose.

9 SECTION 6. This Act takes effect September 1, 2017.