

## **BILL ANALYSIS**

C.S.H.B. 558  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that child support payments for children with disabilities are often made to a special needs trust to prevent the child's income from exceeding the eligibility levels for certain benefit programs, including SSI, which would put the child in a worse position than if the child had never received those payments. However, concerns have been raised over some courts declining to approve child support orders that designate a special needs trust as the recipient of a child support payment because such a trust is not expressly included in state law as an entity to whom those payments may be made on the child's behalf. C.S.H.B. 558 seeks to address these concerns by providing for the express authorization to designate a special needs trust to receive support payments directly for the benefit of an adult child with a disability.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 558 amends the Family Code to authorize a court that orders either or both parents of an adult child with a disability to provide support for that child to designate a special needs trust and provide that the support may be paid directly to the trust for the adult child's benefit. The bill requires the court to order that support payable to such a trust be paid directly to the trust and prohibits the court from ordering that the support be paid to the state disbursement unit. The bill's provisions do not apply in a Title IV-D case.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 558 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute makes the authority to designate a special needs trust applicable only with regard to adult children.

The substitute includes a requirement for the court to order that support payable to the trust be paid directly to the trust and a prohibition against the court ordering that the support be paid to the state disbursement unit.

The substitute includes an exception to its provisions for Title IV-D cases.