

1-1 By: West S.B. No. 1675  
1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 4, 2019, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 4, 2019,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1675 By: Nelson

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the administration of and certain procedures under the  
1-22 Title IV-D program for child support enforcement.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 156.401(b), Family Code, is amended to  
1-25 read as follows:

1-26 (b) Except as provided by Sections 231.1015, 231.1016, and  
1-27 231.1017, a [A] support order may be modified with regard to the  
1-28 amount of support ordered only as to obligations accruing after the  
1-29 earlier of:

1-30 (1) the date of service of citation; or

1-31 (2) an appearance in the suit to modify.

1-32 SECTION 2. Section 231.002(e), Family Code, is amended to  
1-33 read as follows:

1-34 (e) The Title IV-D agency may take the following  
1-35 administrative actions with respect to the location of a parent,  
1-36 the determination of parentage, and the establishment,  
1-37 modification, and enforcement of child support, medical support,  
1-38 and dental support orders required by 42 U.S.C. Section 666(c),  
1-39 without obtaining an order from any other judicial or  
1-40 administrative tribunal:

1-41 (1) issue an administrative subpoena, as provided by  
1-42 Section 231.303, to obtain financial or other information;

1-43 (2) order genetic testing for parentage  
1-44 determination, as provided by Chapter 233;

1-45 (3) order income withholding, as provided by Chapter  
1-46 233, and issue an administrative writ of withholding, as provided  
1-47 by Chapter 158; ~~and~~

1-48 (4) take any action with respect to execution,  
1-49 collection, and release of a judgment or lien for child support  
1-50 necessary to satisfy the judgment or lien, as provided by Chapter  
1-51 157; and

1-52 (5) adjust the support obligations of an incarcerated  
1-53 obligor, as provided by Sections 231.1015, 231.1016, and 231.1017.

1-54 SECTION 3. Subchapter B, Chapter 231, Family Code, is  
1-55 amended by adding Sections 231.1015, 231.1016, and 231.1017 to read  
1-56 as follows:

1-57 Sec. 231.1015. ADMINISTRATIVE ADJUSTMENT OF SUPPORT  
1-58 OBLIGATIONS DURING OBLIGOR'S INCARCERATION. (a) Subject to  
1-59 Subsection (b), on verification by the Title IV-D agency that a  
1-60 judgment or order has been rendered for the confinement of a child

2-1 support obligor in a local, state, or federal jail or prison for a  
 2-2 period of at least 180 consecutive days, the Title IV-D agency shall  
 2-3 review and administratively adjust the obligor's child support,  
 2-4 medical support, and dental support order to amounts that are based  
 2-5 on the application of the child support guidelines under Chapter  
 2-6 154 to the obligor's net resources during incarceration.

2-7 (b) This section does not apply if the Title IV-D agency  
 2-8 determines that the obligor is confined:

2-9 (1) due to the obligor's failure to comply with a child  
 2-10 support order; or

2-11 (2) for an offense constituting an act of family  
 2-12 violence, as defined by Section 71.004, committed against the  
 2-13 obligee or a child covered by the child support order.

2-14 (c) If the Title IV-D agency administratively adjusts a  
 2-15 support obligation under Subsection (a), the agency must:

2-16 (1) provide notice of the administrative adjustment to  
 2-17 the parties to the support order; and

2-18 (2) file a copy of the notice with the court of  
 2-19 continuing, exclusive jurisdiction.

2-20 (d) The notice provided under Subsection (c) must state:

2-21 (1) the amount of the obligor's adjusted support  
 2-22 obligation during incarceration;

2-23 (2) the effective date of the administrative  
 2-24 adjustment of the support obligation; and

2-25 (3) the style and cause number of the case in which the  
 2-26 support order was rendered.

2-27 (e) Notwithstanding Subsection (a), the Title IV-D agency  
 2-28 may seek modification of the support order under Subchapter E,  
 2-29 Chapter 156, in lieu of administratively adjusting the support  
 2-30 obligation under this section.

2-31 (f) The administrative adjustment of a support obligation  
 2-32 under this section does not affect a support obligation due before  
 2-33 the effective date of the administrative adjustment.

2-34 (g) The Title IV-D agency may adopt rules to implement this  
 2-35 section.

2-36 Sec. 231.1016. REVIEW OF ADMINISTRATIVE ADJUSTMENT OF  
 2-37 SUPPORT OBLIGATIONS. (a) Not later than the 30th day after  
 2-38 receiving notice of an administrative adjustment of a support  
 2-39 obligation under Section 231.1015, a party to the support order may  
 2-40 contest the administrative adjustment by requesting that the Title  
 2-41 IV-D agency review the agency's decision to grant the  
 2-42 administrative adjustment.

2-43 (b) If a party to the support order does not request the  
 2-44 Title IV-D agency to review the administrative adjustment within  
 2-45 the time prescribed by Subsection (a), the Title IV-D agency shall  
 2-46 file an administrative adjustment order with the court of  
 2-47 continuing, exclusive jurisdiction. The order must contain a  
 2-48 signed statement from the Title IV-D agency that neither party to  
 2-49 the order requested an administrative review within the time  
 2-50 required by Subsection (a) and state the amount of the obligor's  
 2-51 adjusted support obligation during incarceration and the effective  
 2-52 date of the administrative adjustment. The court shall sign the  
 2-53 order not later than the seventh day after the date the order is  
 2-54 filed. On expiration of the seventh day after the date the order is  
 2-55 filed, the order is considered confirmed by the court by operation  
 2-56 of law, regardless of whether the court has signed the order.

2-57 (c) On request by a party under Subsection (a), the Title  
 2-58 IV-D agency shall:

2-59 (1) review the administrative adjustment of the  
 2-60 support obligation to determine whether:

2-61 (A) the exceptions under Section 231.1015(b)  
 2-62 apply; and

2-63 (B) the administrative adjustment accurately  
 2-64 reflects the obligor's net resources during incarceration; and

2-65 (2) provide an opportunity for review with the parties  
 2-66 in person or by telephone, as appropriate.

2-67 (d) After conducting a review under Subsection (c), the  
 2-68 Title IV-D agency shall:

2-69 (1) affirm the administrative adjustment of the

3-1 support obligation by issuing a notice of determination to the  
 3-2 parties regarding the agency's decision to affirm the  
 3-3 administrative adjustment; or

3-4 (2) withdraw the administrative adjustment of the  
 3-5 support obligation by filing a notice with the court of continuing,  
 3-6 exclusive jurisdiction withdrawing the administrative adjustment  
 3-7 and issuing a notice of determination to the parties regarding the  
 3-8 agency's decision to withdraw the administrative adjustment.

3-9 (e) Not later than the 30th day after a party receives  
 3-10 notice under Subsection (d)(1), the party may file a motion  
 3-11 requesting a hearing with the court of continuing, exclusive  
 3-12 jurisdiction to contest the Title IV-D agency's administrative  
 3-13 adjustment of the support obligation. The administrative  
 3-14 adjustment remains in effect until:

3-15 (1) the agency files a notice with the court of  
 3-16 continuing, exclusive jurisdiction withdrawing the administrative  
 3-17 adjustment; or

3-18 (2) the court renders an order regarding the  
 3-19 administrative adjustment.

3-20 (f) If a party to a support order does not file a motion  
 3-21 requesting a hearing with the court of continuing, exclusive  
 3-22 jurisdiction within the time prescribed by Subsection (e), the  
 3-23 Title IV-D agency shall file an administrative adjustment order  
 3-24 with the court of continuing, exclusive jurisdiction and shall  
 3-25 attach to the order a copy of the notice of determination issued  
 3-26 under Subsection (d)(1). The order must state the amount of the  
 3-27 obligor's adjusted support obligation during incarceration and the  
 3-28 effective date of the administrative adjustment. The court shall  
 3-29 sign the order not later than the seventh day after the date the  
 3-30 order is filed. On expiration of the seventh day after the date the  
 3-31 order is filed, the order is considered confirmed by the court by  
 3-32 operation of law, regardless of whether the court has signed the  
 3-33 order.

3-34 Sec. 231.1017. MODIFICATION OF SUPPORT OBLIGATION AFTER  
 3-35 OBLIGOR'S RELEASE FROM INCARCERATION. In a Title IV-D case, on the  
 3-36 release of an obligor whose support obligations were  
 3-37 administratively adjusted during incarceration under Section  
 3-38 231.1015, the Title IV-D agency shall review the obligor's support  
 3-39 order as provided by Section 231.101 to determine if modification  
 3-40 is necessary and may proceed under Chapter 156 or Chapter 233.

3-41 SECTION 4. Sections 231.103(a) and (c), Family Code, are  
 3-42 amended to read as follows:

3-43 (a) The Title IV-D agency may:

3-44 (1) charge a reasonable application fee;

3-45 (2) charge an ~~a~~ an [~~a \$25~~] annual service fee; and

3-46 (3) to the extent permitted by federal law, recover  
 3-47 costs for the services provided in a Title IV-D case.

3-48 (c) The ~~An~~ An application and service fees [~~fee~~] may not  
 3-49 exceed the [~~a~~ a] maximum amounts [~~amount~~] established by federal law.

3-50 SECTION 5. Section 233.021(c), Family Code, is amended to  
 3-51 read as follows:

3-52 (c) The clerk shall deliver by personal service or, if  
 3-53 court-ordered, a method of substituted service, a copy of the  
 3-54 petition for confirmation of a nonagreed review order and a copy of  
 3-55 the order, to each party entitled to service who has not waived  
 3-56 service.

3-57 SECTION 6. Section 233.024(a), Family Code, is amended to  
 3-58 read as follows:

3-59 (a) On the filing of an agreed child support review order  
 3-60 signed by all parties, together with waiver of service, the court  
 3-61 shall sign the order not later than the seventh [~~third~~] day after  
 3-62 the filing of the order. On expiration of the seventh [~~third~~] day  
 3-63 after the filing of the order, the order is considered confirmed by  
 3-64 the court by operation of law, regardless of whether the court has  
 3-65 signed the order. The court may sign the order before filing the  
 3-66 order, but the signed order shall immediately be filed.

3-67 SECTION 7. (a) The changes in law made by Section  
 3-68 231.002(e), Family Code, as amended by this Act, and Sections  
 3-69 231.1015, 231.1016, and 231.1017, Family Code, as added by this

4-1 Act, apply to a child support order regardless of whether the order  
4-2 was rendered before, on, or after the effective date of this Act.

4-3 (b) The change in law made by this Act described by  
4-4 Subsection (a) of this section constitutes a material and  
4-5 substantial change of circumstances under Section 156.401, Family  
4-6 Code, sufficient to warrant modification of a court order or a  
4-7 portion of a decree that provides for the support of a child  
4-8 rendered before the effective date of this Act.

4-9 SECTION 8. The change in law made by this Act to Section  
4-10 233.021(c), Family Code, applies only to a petition for  
4-11 confirmation of a nonagreed order filed on or after the effective  
4-12 date of this Act. A petition filed before the effective date of  
4-13 this Act is governed by the law in effect on the date the petition  
4-14 was filed, and the former law is continued in effect for that  
4-15 purpose.

4-16 SECTION 9. The change in law made by this Act to Section  
4-17 233.024(a), Family Code, applies only to an agreed child support  
4-18 review order filed on or after the effective date of this Act. An  
4-19 order filed before the effective date of this Act is governed by the  
4-20 law in effect on the date the order was filed, and the former law is  
4-21 continued in effect for that purpose.

4-22 SECTION 10. This Act takes effect September 1, 2019.

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