

By: West
(Dutton)

S.B. No. 1676

A BILL TO BE ENTITLED

AN ACT

relating to suits affecting the parent-child relationship and the enforcement of child support.

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

SECTION 1. Subchapter B, Chapter 8, Family Code, is amended by adding Section 8.062 to read as follows:

Sec. 8.062. PLACE OF PAYMENT. If an obligor is ordered to pay an obligee maintenance under this chapter and child support under Chapter 154, the court shall order the payment of maintenance to the state disbursement unit as provided by Chapter 234.

SECTION 2. Section 156.401, Family Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Incarceration of a child support obligor in a local, state, or federal jail or prison for a period exceeding 180 days is a material and substantial change of circumstances for the purposes of this section.

SECTION 3. Section 157.005(b), Family Code, is amended to read as follows:

(b) The court retains jurisdiction to confirm the total amount of child support, medical support, and dental support arrearages and render [a] cumulative money judgments [~~judgment~~] for past-due child support, medical support, and dental support, as provided by Section 157.263, if a motion for enforcement requesting a [~~cumulative~~] money judgment is filed not later than the 10th

1 anniversary after the date:

2 (1) the child becomes an adult; or

3 (2) on which the child support obligation terminates
4 under the child support order or by operation of law.

5 SECTION 4. Section 157.263, Family Code, is amended by
6 amending Subsections (a), (b), and (b-1) and adding Subsections
7 (b-2) and (b-3) to read as follows:

8 (a) If a motion for enforcement of child support requests a
9 money judgment for arrearages, the court shall confirm the amount
10 of arrearages and render ~~[one]~~ cumulative money judgments as
11 follows:

12 (1) a cumulative money judgment for the amount of
13 child support owed under Subsection (b);

14 (2) a cumulative money judgment for the amount of
15 medical support owed under Subsection (b-1); and

16 (3) a cumulative money judgment for the amount of
17 dental support owed under Subsection (b-2) [judgment].

18 (b) A cumulative money judgment for the amount of child
19 support owed includes:

20 (1) unpaid child support not previously confirmed;

21 (2) the balance owed on previously confirmed child
22 support arrearages or lump sum or retroactive child support
23 judgments;

24 (3) interest on the child support arrearages; and

25 (4) a statement that it is a cumulative judgment for
26 the amount of child support owed.

27 (b-1) A cumulative money judgment for the amount of medical

1 support owed includes:

- 2 (1) unpaid medical support not previously confirmed;
- 3 (2) the balance owed on previously confirmed medical
- 4 support arrearages or lump sum or retroactive medical support
- 5 judgments;
- 6 (3) interest on the medical support arrearages; and
- 7 (4) a statement that it is a cumulative judgment for
- 8 the amount of medical support owed.

9 (b-2) A cumulative money judgment for the amount of dental
10 support owed includes:

- 11 (1) unpaid dental support not previously confirmed;
- 12 (2) the balance owed on previously confirmed dental
- 13 support arrearages or lump sum or retroactive dental support
- 14 judgments;
- 15 (3) interest on the dental support arrearages; and
- 16 (4) a statement that it is a cumulative judgment for
- 17 the amount of dental support owed.

18 (b-3) In rendering a money judgment under this section, the
19 court may not reduce or modify the amount of child support, medical
20 support, or dental support arrearages but, in confirming the amount
21 of arrearages, may allow a counterclaim or offset as provided by
22 this title.

23 SECTION 5. Chapter 157, Family Code, is amended by adding
24 Subchapter J to read as follows:

25 SUBCHAPTER J. CHILD SUPPORT QUALIFIED DOMESTIC RELATIONS ORDER

26 Sec. 157.501. JURISDICTION FOR QUALIFIED DOMESTIC
27 RELATIONS ORDER. (a) The court that rendered an order for the

1 payment of child support, or the court that obtains jurisdiction to
2 enforce a child support order under Chapter 159, has continuing
3 jurisdiction to render enforceable qualified domestic relations
4 orders or similar orders permitting payment of pension, retirement
5 plan, or other employee benefits to an alternate payee or other
6 lawful payee to satisfy support amounts due under the child support
7 order. A child support order includes a temporary or final order
8 for child support, medical support, or dental support and arrears
9 and interest with respect to that order.

10 (b) Unless prohibited by federal law, a suit seeking a
11 qualified domestic relations order or similar order under this
12 subchapter applies to a pension, retirement plan, or other employee
13 benefit, regardless of whether the pension, retirement plan, or
14 other employee benefit:

15 (1) is private, state, or federal;

16 (2) is subject to another qualified domestic relations
17 order or similar order;

18 (3) is property that is the subject of a pending
19 proceeding for dissolution of a marriage;

20 (4) is property disposed of in a previous decree for
21 dissolution of a marriage; or

22 (5) is the subject of an agreement under Chapter 4.

23 (c) A court described by Subsection (a) retains
24 jurisdiction to render a qualified domestic relations order or
25 similar order under this subchapter until all support due under the
26 child support order, including arrearages and interest, has been
27 paid.

1 Sec. 157.502. PROCEDURE. (a) A party to a child support
2 order, or the Title IV-D agency in a Title IV-D case, may petition
3 the court for a qualified domestic relations order or similar order
4 in an original suit or in an action for child support enforcement
5 under this chapter.

6 (b) Each party whose rights may be affected by the petition
7 is entitled to receive notice under Subchapter B.

8 Sec. 157.503. TEMPORARY ORDERS. (a) While a suit for a
9 qualified domestic relations order or similar order is pending or
10 during an appeal of an enforcement order, and on the motion of a
11 party or on the court's own motion after notice and hearing, the
12 court may render an appropriate order, including the granting of a
13 temporary restraining order and temporary injunction, for the
14 preservation of the pension, retirement plan, or other employee
15 benefits and protection of the parties as the court considers
16 necessary.

17 (b) An order under this section is not subject to
18 interlocutory appeal.

19 Sec. 157.504. DEFECTIVE PRIOR DOMESTIC RELATIONS ORDER. If
20 a plan administrator or other person acting in an equivalent
21 capacity determines that a domestic relations order does not
22 satisfy the requirements of a qualified domestic relations order or
23 similar order, the court retains continuing jurisdiction over the
24 parties to the extent necessary to render a qualified domestic
25 relations order.

26 Sec. 157.505. AMENDMENT OF QUALIFIED DOMESTIC RELATIONS
27 ORDER. (a) A court that renders a qualified domestic relations

1 order or similar order retains continuing jurisdiction:

2 (1) to amend the order to correct the order, clarify
3 the terms of the order, or add language to the order to provide for
4 the collection of child support;

5 (2) to convert the amount or frequency of payments
6 under the order to a formula that is in compliance with the terms of
7 the pension, retirement plan, or employee benefit plan; or

8 (3) to vacate or terminate the order.

9 (b) An amended domestic relations order or similar order
10 under this section must be submitted to the plan administrator or
11 other person acting in an equivalent capacity to determine whether
12 the amended order satisfies the requirements of a qualified
13 domestic relations order or similar order. Section 157.504 applies
14 to an order amended under this section.

15 Sec. 157.506. LIBERAL CONSTRUCTION. The court shall
16 liberally construe this subchapter to effect payment of pension,
17 retirement plan, or other employee benefits for the satisfaction of
18 the obligor's child support obligation.

19 Sec. 157.507. ATTORNEY'S FEES AND COSTS. (a) In a
20 proceeding under this subchapter, the court may order the obligor
21 to pay reasonable attorney's fees incurred by a party to obtain the
22 order, all court costs, and all fees charged by a plan administrator
23 for the qualified domestic relations order or similar order.

24 (b) Fees and costs ordered under this section may be
25 enforced by any means available for the enforcement of child
26 support, including contempt.

27 SECTION 6. Section 159.605(b), Family Code, is amended to

1 read as follows:

2 (b) A notice must inform the nonregistering party:

3 (1) that a registered order is enforceable as of the
4 date of registration in the same manner as an order issued by a
5 tribunal of this state;

6 (2) that a hearing to contest the validity or
7 enforcement of the registered order must be requested within 30
8 ~~[20]~~ days after notice unless the registered order is under Section
9 159.707;

10 (3) that failure to contest the validity or
11 enforcement of the registered order in a timely manner will result
12 in confirmation of the order and enforcement of the order and the
13 alleged arrearages; and

14 (4) of the amount of any alleged arrearages.

15 SECTION 7. Section 234.007(a), Family Code, is amended to
16 read as follows:

17 (a) A court that orders a party to pay ~~[income to be withheld~~
18 ~~for]~~ child support under a temporary or final order shall order that
19 all ~~[income ordered withheld for]~~ child support payments ~~[shall]~~ be
20 paid to the state disbursement unit, including any child support
21 that the court orders an employer to withhold from the income of the
22 obligor.

23 SECTION 8. Section 506.001(a), Labor Code, is amended to
24 read as follows:

25 (a) Except as provided by Section 506.003, in ~~[In]~~ a
26 workers' compensation case in which a claimant is awarded a
27 judgment against the state or a political subdivision of the state

1 under Chapter 501, 502, 503, 504, or 505, the state or political
2 subdivision shall comply with the judgment not later than the 30th
3 day after the judgment is entered.

4 SECTION 9. Chapter 506, Labor Code, is amended by adding
5 Section 506.003 to read as follows:

6 Sec. 506.003. CHILD SUPPORT INQUIRY. (a) Before the
7 payment of a judgment against the state or a political subdivision
8 of the state under Chapter 501, 502, 503, 504, or 505, the state or
9 political subdivision shall comply with the insurance reporting
10 requirements of Section 231.015, Family Code, and the child support
11 lien provisions of Subchapter G, Chapter 157, Family Code.

12 (b) Any delay in complying with the judgment due to
13 compliance with this section does not subject the state or
14 political subdivision to an award of a penalty or attorney's fees
15 under Section 506.001(b).

16 SECTION 10. Section 240.009, Property Code, is amended by
17 adding Subsection (e) to read as follows:

18 (e) A disclaimer of an interest in property made by an
19 individual must contain a sworn statement regarding whether the
20 disclaimant is a child support obligor whose disclaimer is barred
21 under Section 240.151(g).

22 SECTION 11. (a) Section 8.062, Family Code, as added by
23 this Act, applies only to a maintenance order rendered on or after
24 the effective date of this Act. A maintenance order rendered before
25 the effective date of this Act is governed by the law in effect on
26 the date the order was rendered, and the former law is continued in
27 effect for that purpose.

1 (b) Notwithstanding Subsection (a) of this section, an
2 obligor subject to a maintenance order rendered before the
3 effective date of this Act may choose to remit maintenance payments
4 to the state disbursement unit as provided by Chapter 234, Family
5 Code, and the state disbursement unit shall accept those payments.

6 SECTION 12. Section 156.401, Family Code, as amended by
7 this Act, applies only to a suit for modification of a child support
8 order that is filed on or after the effective date of this Act. A
9 suit for modification that is filed before the effective date of
10 this Act is governed by the law in effect on the date the suit was
11 filed, and the former law is continued in effect for that purpose.

12 SECTION 13. Section 157.263, Family Code, as amended by
13 this Act, applies only to a cumulative money judgment rendered on or
14 after the effective date of this Act. A judgment rendered before
15 the effective date of this Act is governed by the law in effect at
16 the time the judgment was rendered, and the former law is continued
17 in effect for that purpose.

18 SECTION 14. Section 159.605, Family Code, as amended by
19 this Act, applies only to a support order or income-withholding
20 order issued by a court of another state that is registered in this
21 state on or after the effective date of this Act. A support order or
22 income-withholding order that is registered in this state before
23 the effective date of this Act is governed by the law in effect on
24 the date the order was registered, and the former law is continued
25 in effect for that purpose.

26 SECTION 15. Section 506.001, Labor Code, as amended by this
27 Act, and Section 506.003, Labor Code, as added by this Act, apply

1 only to a judgment awarded in a workers' compensation case on or
2 after the effective date of this Act, regardless of whether the case
3 was filed before, on, or after the effective date of this Act.

4 SECTION 16. Section 240.009, Property Code, as amended by
5 this Act, applies only to a disclaimer made on or after the
6 effective date of this Act. A disclaimer made before the effective
7 date of this Act is governed by the law in effect at the time the
8 disclaimer was made, and the former law is continued in effect for
9 that purpose.

10 SECTION 17. This Act takes effect September 1, 2019.