

By: West

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 order awarding maintenance includes a requirement that the obligor pay the obligee 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

1 a [~~cumulative~~] money judgment is filed not later than the 10th
2 anniversary after the date:

3 (1) the child becomes an adult; or

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

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

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

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

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

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

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

21 (1) unpaid child support not previously confirmed;

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

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

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

1 (b-1) A cumulative money judgment for the amount of medical
2 support owed includes:

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

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

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

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

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

26 SUBCHAPTER J. CHILD SUPPORT QUALIFIED DOMESTIC RELATIONS ORDER

27 Sec. 157.501. JURISDICTION FOR QUALIFIED DOMESTIC

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

10 Sec. 157.502. PROCEDURE. (a) A party to a child support
11 order may petition the court for a qualified domestic relations
12 order or similar order.

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

15 Sec. 157.503. DEFECTIVE PRIOR DOMESTIC RELATIONS ORDER. If
16 a plan administrator or other person acting in an equivalent
17 capacity determines that a domestic relations order does not
18 satisfy the requirements of a qualified domestic relations order
19 or similar order, the court retains continuing jurisdiction over
20 the parties and their property to the extent necessary to render a
21 qualified domestic relations order.

22 Sec. 157.504. AMENDMENT OF QUALIFIED DOMESTIC RELATIONS
23 ORDER. (a) A court that renders a qualified domestic relations
24 order retains continuing jurisdiction to amend the order to correct
25 the order, clarify the terms of the order, or add language to the
26 order to provide for the collection of support due under a child
27 support order.

1 (b) An amended domestic relations order under this section
2 must be submitted to the plan administrator or other person acting
3 in an equivalent capacity to determine whether the amended order
4 satisfies the requirements of a qualified domestic relations
5 order. Section 157.503 applies to a domestic relations order
6 amended under this section.

7 Sec. 157.505. LIBERAL CONSTRUCTION. The court shall
8 liberally construe this subchapter to effect payment of retirement
9 benefits for the satisfaction of the obligor's child support
10 obligation.

11 Sec. 157.506. ATTORNEY'S FEES. In a proceeding under this
12 subchapter, the court may award reasonable attorney's fees
13 incurred by a party to obtain the order. The court may order the
14 attorney's fees to be paid directly to the attorney, who may enforce
15 the order for fees in the attorney's own name by any means
16 available for the enforcement of a judgment for debt.

17 SECTION 6. Section 159.605(b), Family Code, is amended to
18 read as follows:

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

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

23 (2) that a hearing to contest the validity or
24 enforcement of the registered order must be requested within 30
25 ~~[20]~~ days after notice unless the registered order is under Section
26 159.707;

27 (3) that failure to contest the validity or

1 enforcement of the registered order in a timely manner will result
2 in confirmation of the order and enforcement of the order and the
3 alleged arrearages; and

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

5 SECTION 7. Sections 234.007(a), Family Code, is amended to
6 read as follows:

7 (a) A court that orders a party to pay [~~income to be withheld~~
8 ~~for~~] child support under a temporary or final order shall order that
9 all [~~income ordered withheld for~~] child support payments [~~shall~~] be
10 paid to the state disbursement unit, including any child support
11 that the court orders an employer to withhold from the income of the
12 obligor.

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

15 (a) Except as provided by Section 506.003, in [~~In~~] a
16 workers' compensation case in which a claimant is awarded a
17 judgment against the state or a political subdivision of the state
18 under Chapter 501, 502, 503, 504, or 505, the state or political
19 subdivision shall comply with the judgment not later than the 30th
20 day after the judgment is entered.

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

23 Sec. 506.003. CHILD SUPPORT INQUIRY. (a) Before the
24 payment of a judgment against the state or a political subdivision
25 of the state under Chapter 501, 502, 503, 504, or 505, the state or
26 political subdivision shall comply with the insurance reporting
27 requirements of Section 231.015, Family Code, and the child support

1 lien provisions of Subchapter G, Chapter 157, Family Code.

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

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

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

12 SECTION 11. (a) Section 8.062, Family Code, as added by this
13 Act, applies only to a maintenance order rendered on or after the
14 effective date of this Act. A maintenance order rendered before the
15 effective date of this Act is governed by the law in effect on the
16 date the order was rendered, and the former law is continued in
17 effect for that purpose.

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

23 SECTION 12. Section 156.401, Family Code, as amended by
24 this Act, applies only to a suit for modification of a child support
25 order that is filed on or after the effective date of this Act. A
26 suit for modification that is filed before the effective date of
27 this Act is governed by the law in effect on the date the suit was

1 filed, and the former law is continued in effect for that purpose.

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

8 SECTION 14. Section 159.605, Family Code, as amended by
9 this Act, applies only to a support order or income-withholding
10 order, as applicable, issued by a court of another state that is
11 registered in this state on or after the effective date of this Act.
12 A support order or income-withholding order that is registered in
13 this state before the effective date of this Act is governed by the
14 law in effect on the date the determination or order was registered,
15 and the former law is continued in effect for that purpose.

16 SECTION 15. Section 506.001, Labor Code, as amended by this
17 Act, and Section 506.003, Labor Code, as added by this Act, apply
18 only to a judgment awarded in a workers' compensation case on or
19 after the effective date of this Act, regardless of whether the case
20 was filed before, on, or after the effective date of this Act.

21 SECTION 16. Section 240.009, Property Code, as amended by
22 this Act, applies only to a disclaimer made on or after the
23 effective date of this Act. A disclaimer made before the effective
24 date of this Act is governed by the law in effect at the time the
25 disclaimer was made, and the former law is continued in effect for
26 that purpose.

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