

1-1 By: West S.B. No. 1676  
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. 1676 By: Creighton

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

1-21 relating to suits affecting the parent-child relationship and the  
1-22 enforcement of child support.

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

1-24 SECTION 1. Subchapter B, Chapter 8, Family Code, is amended  
1-25 by adding Section 8.062 to read as follows:

1-26 Sec. 8.062. PLACE OF PAYMENT. If an obligor is ordered to  
1-27 pay an obligee maintenance under this chapter and child support  
1-28 under Chapter 154, the court shall order the payment of maintenance  
1-29 to the state disbursement unit as provided by Chapter 234.

1-30 SECTION 2. Section 156.401, Family Code, is amended by  
1-31 adding Subsection (c-1) to read as follows:

1-32 (c-1) Incarceration of a child support obligor in a local,  
1-33 state, or federal jail or prison for a period exceeding 180 days is  
1-34 a material and substantial change of circumstances for the purposes  
1-35 of this section.

1-36 SECTION 3. Section 157.005(b), Family Code, is amended to  
1-37 read as follows:

1-38 (b) The court retains jurisdiction to confirm the total  
1-39 amount of child support, medical support, and dental support  
1-40 arrearages and render [a] cumulative money judgments [judgment] for  
1-41 past-due child support, medical support, and dental support, as  
1-42 provided by Section 157.263, if a motion for enforcement requesting  
1-43 a [cumulative] money judgment is filed not later than the 10th  
1-44 anniversary after the date:

1-45 (1) the child becomes an adult; or

1-46 (2) on which the child support obligation terminates  
1-47 under the child support order or by operation of law.

1-48 SECTION 4. Section 157.263, Family Code, is amended by  
1-49 amending Subsections (a), (b), and (b-1) and adding Subsections  
1-50 (b-2) and (b-3) to read as follows:

1-51 (a) If a motion for enforcement of child support requests a  
1-52 money judgment for arrearages, the court shall confirm the amount  
1-53 of arrearages and render ~~[one]~~ cumulative money judgments as  
1-54 follows:

1-55 (1) a cumulative money judgment for the amount of  
1-56 child support owed under Subsection (b);

1-57 (2) a cumulative money judgment for the amount of  
1-58 medical support owed under Subsection (b-1); and

1-59 (3) a cumulative money judgment for the amount of  
1-60 dental support owed under Subsection (b-2) [judgment].

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

2-10 (b-1) A cumulative money judgment for the amount of medical  
 2-11 support owed includes:  
 2-12 (1) unpaid medical support not previously confirmed;  
 2-13 (2) the balance owed on previously confirmed medical  
 2-14 support arrearages or lump sum or retroactive medical support  
 2-15 judgments;  
 2-16 (3) interest on the medical support arrearages; and  
 2-17 (4) a statement that it is a cumulative judgment for  
 2-18 the amount of medical support owed.

2-19 (b-2) A cumulative money judgment for the amount of dental  
 2-20 support owed includes:  
 2-21 (1) unpaid dental support not previously confirmed;  
 2-22 (2) the balance owed on previously confirmed dental  
 2-23 support arrearages or lump sum or retroactive dental support  
 2-24 judgments;  
 2-25 (3) interest on the dental support arrearages; and  
 2-26 (4) a statement that it is a cumulative judgment for  
 2-27 the amount of dental support owed.

2-28 (b-3) In rendering a money judgment under this section, the  
 2-29 court may not reduce or modify the amount of child support, medical  
 2-30 support, or dental support arrearages but, in confirming the amount  
 2-31 of arrearages, may allow a counterclaim or offset as provided by  
 2-32 this title.

2-33 SECTION 5. Chapter 157, Family Code, is amended by adding  
 2-34 Subchapter J to read as follows:

2-35 SUBCHAPTER J. CHILD SUPPORT QUALIFIED DOMESTIC RELATIONS ORDER

2-36 Sec. 157.501. JURISDICTION FOR QUALIFIED DOMESTIC

2-37 RELATIONS ORDER. (a) The court that rendered an order for the  
 2-38 payment of child support, or the court that obtains jurisdiction to  
 2-39 enforce a child support order under Chapter 159, has continuing  
 2-40 jurisdiction to render enforceable qualified domestic relations  
 2-41 orders or similar orders permitting payment of pension, retirement  
 2-42 plan, or other employee benefits to an alternate payee or other  
 2-43 lawful payee to satisfy support amounts due under the child support  
 2-44 order. A child support order includes a temporary or final order  
 2-45 for child support, medical support, or dental support and arrears  
 2-46 and interest with respect to that order.

2-47 (b) Unless prohibited by federal law, a suit seeking a  
 2-48 qualified domestic relations order or similar order under this  
 2-49 subchapter applies to a pension, retirement plan, or other employee  
 2-50 benefit, regardless of whether the pension, retirement plan, or  
 2-51 other employee benefit:

- 2-52 (1) is private, state, or federal;
- 2-53 (2) is subject to another qualified domestic relations  
 2-54 order or similar order;
- 2-55 (3) is property that is the subject of a pending  
 2-56 proceeding for dissolution of a marriage;
- 2-57 (4) is property disposed of in a previous decree for  
 2-58 dissolution of a marriage; or
- 2-59 (5) is the subject of an agreement under Chapter 4.

2-60 (c) A court described by Subsection (a) retains  
 2-61 jurisdiction to render a qualified domestic relations order or  
 2-62 similar order under this subchapter until all support due under the  
 2-63 child support order, including arrearages and interest, has been  
 2-64 paid.

2-65 Sec. 157.502. PROCEDURE. (a) A party to a child support  
 2-66 order, or the Title IV-D agency in a Title IV-D case, may petition  
 2-67 the court for a qualified domestic relations order or similar order  
 2-68 in an original suit or in an action for child support enforcement  
 2-69 under this chapter.

3-1 (b) Each party whose rights may be affected by the petition  
3-2 is entitled to receive notice under Subchapter B.

3-3 Sec. 157.503. TEMPORARY ORDERS. (a) While a suit for a  
3-4 qualified domestic relations order or similar order is pending or  
3-5 during an appeal of an enforcement order, and on the motion of a  
3-6 party or on the court's own motion after notice and hearing, the  
3-7 court may render an appropriate order, including the granting of a  
3-8 temporary restraining order and temporary injunction, for the  
3-9 preservation of the pension, retirement plan, or other employee  
3-10 benefits and protection of the parties as the court considers  
3-11 necessary.

3-12 (b) An order under this section is not subject to  
3-13 interlocutory appeal.

3-14 Sec. 157.504. DEFECTIVE PRIOR DOMESTIC RELATIONS ORDER. If  
3-15 a plan administrator or other person acting in an equivalent  
3-16 capacity determines that a domestic relations order does not  
3-17 satisfy the requirements of a qualified domestic relations order or  
3-18 similar order, the court retains continuing jurisdiction over the  
3-19 parties to the extent necessary to render a qualified domestic  
3-20 relations order.

3-21 Sec. 157.505. AMENDMENT OF QUALIFIED DOMESTIC RELATIONS  
3-22 ORDER. (a) A court that renders a qualified domestic relations  
3-23 order or similar order retains continuing jurisdiction:

3-24 (1) to amend the order to correct the order, clarify  
3-25 the terms of the order, or add language to the order to provide for  
3-26 the collection of child support;

3-27 (2) to convert the amount or frequency of payments  
3-28 under the order to a formula that is in compliance with the terms of  
3-29 the pension, retirement plan, or employee benefit plan; or

3-30 (3) to vacate or terminate the order.

3-31 (b) An amended domestic relations order or similar order  
3-32 under this section must be submitted to the plan administrator or  
3-33 other person acting in an equivalent capacity to determine whether  
3-34 the amended order satisfies the requirements of a qualified  
3-35 domestic relations order or similar order. Section 157.504 applies  
3-36 to an order amended under this section.

3-37 Sec. 157.506. LIBERAL CONSTRUCTION. The court shall  
3-38 liberally construe this subchapter to effect payment of pension,  
3-39 retirement plan, or other employee benefits for the satisfaction of  
3-40 the obligor's child support obligation.

3-41 Sec. 157.507. ATTORNEY'S FEES AND COSTS. (a) In a  
3-42 proceeding under this subchapter, the court may order the obligor  
3-43 to pay reasonable attorney's fees incurred by a party to obtain the  
3-44 order, all court costs, and all fees charged by a plan administrator  
3-45 for the qualified domestic relations order or similar order.

3-46 (b) Fees and costs ordered under this section may be  
3-47 enforced by any means available for the enforcement of child  
3-48 support, including contempt.

3-49 SECTION 6. Section 159.605(b), Family Code, is amended to  
3-50 read as follows:

3-51 (b) A notice must inform the nonregistering party:

3-52 (1) that a registered order is enforceable as of the  
3-53 date of registration in the same manner as an order issued by a  
3-54 tribunal of this state;

3-55 (2) that a hearing to contest the validity or  
3-56 enforcement of the registered order must be requested within 30  
3-57 ~~[20]~~ days after notice unless the registered order is under Section  
3-58 159.707;

3-59 (3) that failure to contest the validity or  
3-60 enforcement of the registered order in a timely manner will result  
3-61 in confirmation of the order and enforcement of the order and the  
3-62 alleged arrearages; and

3-63 (4) of the amount of any alleged arrearages.

3-64 SECTION 7. Section 234.007(a), Family Code, is amended to  
3-65 read as follows:

3-66 (a) A court that orders a party to pay ~~[income to be withheld~~  
3-67 ~~for]~~ child support under a temporary or final order shall order that  
3-68 all ~~[income ordered withheld for]~~ child support payments ~~[shall]~~ be  
3-69 paid to the state disbursement unit, including any child support

4-1 that the court orders an employer to withhold from the income of the  
 4-2 obligor.

4-3 SECTION 8. Section 506.001(a), Labor Code, is amended to  
 4-4 read as follows:

4-5 (a) Except as provided by Section 506.003, in [It] a  
 4-6 workers' compensation case in which a claimant is awarded a  
 4-7 judgment against the state or a political subdivision of the state  
 4-8 under Chapter 501, 502, 503, 504, or 505, the state or political  
 4-9 subdivision shall comply with the judgment not later than the 30th  
 4-10 day after the judgment is entered.

4-11 SECTION 9. Chapter 506, Labor Code, is amended by adding  
 4-12 Section 506.003 to read as follows:

4-13 Sec. 506.003. CHILD SUPPORT INQUIRY. (a) Before the  
 4-14 payment of a judgment against the state or a political subdivision  
 4-15 of the state under Chapter 501, 502, 503, 504, or 505, the state or  
 4-16 political subdivision shall comply with the insurance reporting  
 4-17 requirements of Section 231.015, Family Code, and the child support  
 4-18 lien provisions of Subchapter G, Chapter 157, Family Code.

4-19 (b) Any delay in complying with the judgment due to  
 4-20 compliance with this section does not subject the state or  
 4-21 political subdivision to an award of a penalty or attorney's fees  
 4-22 under Section 506.001(b).

4-23 SECTION 10. Section 240.009, Property Code, is amended by  
 4-24 adding Subsection (e) to read as follows:

4-25 (e) A disclaimer of an interest in property made by an  
 4-26 individual must contain a sworn statement regarding whether the  
 4-27 disclaimant is a child support obligor whose disclaimer is barred  
 4-28 under Section 240.151(g).

4-29 SECTION 11. (a) Section 8.062, Family Code, as added by  
 4-30 this Act, applies only to a maintenance order rendered on or after  
 4-31 the effective date of this Act. A maintenance order rendered before  
 4-32 the effective date of this Act is governed by the law in effect on  
 4-33 the date the order was rendered, and the former law is continued in  
 4-34 effect for that purpose.

4-35 (b) Notwithstanding Subsection (a) of this section, an  
 4-36 obligor subject to a maintenance order rendered before the  
 4-37 effective date of this Act may choose to remit maintenance payments  
 4-38 to the state disbursement unit as provided by Chapter 234, Family  
 4-39 Code, and the state disbursement unit shall accept those payments.

4-40 SECTION 12. Section 156.401, Family Code, as amended by  
 4-41 this Act, applies only to a suit for modification of a child support  
 4-42 order that is filed on or after the effective date of this Act. A  
 4-43 suit for modification that is filed before the effective date of  
 4-44 this Act is governed by the law in effect on the date the suit was  
 4-45 filed, and the former law is continued in effect for that purpose.

4-46 SECTION 13. Section 157.263, Family Code, as amended by  
 4-47 this Act, applies only to a cumulative money judgment rendered on or  
 4-48 after the effective date of this Act. A judgment rendered before  
 4-49 the effective date of this Act is governed by the law in effect at  
 4-50 the time the judgment was rendered, and the former law is continued  
 4-51 in effect for that purpose.

4-52 SECTION 14. Section 159.605, Family Code, as amended by  
 4-53 this Act, applies only to a support order or income-withholding  
 4-54 order issued by a court of another state that is registered in this  
 4-55 state on or after the effective date of this Act. A support order or  
 4-56 income-withholding order that is registered in this state before  
 4-57 the effective date of this Act is governed by the law in effect on  
 4-58 the date the order was registered, and the former law is continued  
 4-59 in effect for that purpose.

4-60 SECTION 15. Section 506.001, Labor Code, as amended by this  
 4-61 Act, and Section 506.003, Labor Code, as added by this Act, apply  
 4-62 only to a judgment awarded in a workers' compensation case on or  
 4-63 after the effective date of this Act, regardless of whether the case  
 4-64 was filed before, on, or after the effective date of this Act.

4-65 SECTION 16. Section 240.009, Property Code, as amended by  
 4-66 this Act, applies only to a disclaimer made on or after the  
 4-67 effective date of this Act. A disclaimer made before the effective  
 4-68 date of this Act is governed by the law in effect at the time the  
 4-69 disclaimer was made, and the former law is continued in effect for

5-1 that purpose.

5-2 SECTION 17. This Act takes effect September 1, 2019.

5-3

\* \* \* \* \*