

## **BILL ANALYSIS**

H.B. 1422  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the child support obligation of an individual confined in jail or prison. In many cases after release, these individuals experience difficulty seeking employment, causing them to fall further behind on child support payments. There have been calls to offer support to these individuals by providing an option to catch up on their child support so that they do not fall severely behind. H.B. 1422 seeks to address this issue by providing a defense to an obligor who was incarcerated for more than 90 days, fell behind on child support as a result of the incarceration, and faces contempt and additional jail time for the failure to pay that child support.

### **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**

H.B. 1422 amends the Family Code to prohibit a court from finding a respondent in a suit affecting the parent-child relationship in contempt of court for failure to pay child support if the respondent, or the respondent's attorney if the respondent is confined in jail or prison at the time of the hearing, appears at the hearing and presents credible evidence showing the following:

- the unpaid child support accrued during the obligor's confinement in a local, state, or federal jail or prison for a period of at least 90 consecutive days, other than the following confinement:
  - for an offense constituting an act of family violence committed against the obligee or a child covered by the child support order; or
  - resulting from the obligor's failure to comply with a child support order; and
- the obligor did not have sufficient resources available to comply with the child support order during the period of the obligor's confinement.

### **EFFECTIVE DATE**

September 1, 2021.