

By: West
(Neave)

S.B. No. 286

Substitute the following for S.B. No. 286:

By: Neave

C.S.S.B. No. 286

A BILL TO BE ENTITLED

1 AN ACT
2 relating to suits affecting the parent-child relationship and child
3 support, including the payment of spousal maintenance by an obligor
4 ordered to pay child support and the disclaimer of a property
5 interest by a child support obligor.

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

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

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

13 SECTION 2. Subchapter B, Chapter 154, Family Code, is
14 amended by adding Section 154.0655 to read as follows:

15 Sec. 154.0655. IMPUTATION OF INCOME. (a) In this section,
16 "resources" has the meaning assigned by Section 154.062(b).

17 (b) To the extent possible, the court shall rely on evidence
18 of a party's resources when applying the support guidelines.

19 (c) In the absence of evidence of a party's resources, the
20 court, when applying Section 154.066 or 154.068, shall consider
21 relevant background circumstances regarding the obligor,
22 including:

23 (1) the obligor's:

24 (A) assets;

- 1 (B) residence;
- 2 (C) employment;
- 3 (D) earnings history;
- 4 (E) job skills;
- 5 (F) educational attainment;
- 6 (G) literacy;
- 7 (H) age;
- 8 (I) health;
- 9 (J) criminal history;
- 10 (K) barriers to employment; and
- 11 (L) record of seeking work;
- 12 (2) job opportunities in the obligor's community;
- 13 (3) the prevailing wage in the obligor's community;
- 14 and
- 15 (4) whether there are employers willing to hire the
- 16 obligor.

17 SECTION 3. Section 154.066, Family Code, is amended by
18 adding Subsection (c) to read as follows:

19 (c) The court may not consider incarceration as intentional
20 unemployment or underemployment when establishing or modifying a
21 support order.

22 SECTION 4. Section 154.125, Family Code, is amended to read
23 as follows:

24 Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES.

25 (a) The guidelines for the support of a child in this section are
26 specifically designed to apply to situations in which the obligor's
27 monthly net resources are not greater than the maximum amount of net

1 resources to which the statutory guidelines are applicable, as most
2 recently published by the Title IV-D agency in the Texas Register
3 ~~[\$7,500 or the adjusted amount determined under Subsection (a-1),~~
4 ~~whichever is greater].~~

5 (a-1) The [~~dollar~~] amount prescribed by Subsection (a) is
6 adjusted every six years as necessary to reflect inflation. The
7 Title IV-D agency shall compute the adjusted amount, to take effect
8 beginning September 1 of the year of the adjustment, based on the
9 percentage change in the consumer price index during the 72-month
10 period preceding March 1 of the year of the adjustment, as rounded
11 to the nearest \$50 increment. The Title IV-D agency shall publish
12 the adjusted amount in the Texas Register before September 1 of the
13 year in which the adjustment takes effect. For purposes of this
14 subsection, "consumer price index" has the meaning assigned by
15 Section 341.201, Finance Code.

16 (b) If the obligor's monthly net resources are not greater
17 than the amount described [~~provided~~] by Subsection (a) and the
18 obligor's monthly net resources are equal to or greater than the
19 amount described by Subsection (c), the court shall presumptively
20 apply the following schedule in rendering the child support order:

21 CHILD SUPPORT GUIDELINES

22 BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

23	1 child	20% of Obligor's Net Resources
24	2 children	25% of Obligor's Net Resources
25	3 children	30% of Obligor's Net Resources
26	4 children	35% of Obligor's Net Resources
27	5 children	40% of Obligor's Net Resources

6+ children Not less than the amount for 5 children

(c) If the obligor's monthly net resources are less than \$1,000, the court shall presumptively apply the following schedule in rendering the child support order:

LOW-INCOME CHILD SUPPORT GUIDELINES

BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

<u>1 child</u>	<u>15% of Obligor's Net Resources</u>
<u>2 children</u>	<u>20% of Obligor's Net Resources</u>
<u>3 children</u>	<u>25% of Obligor's Net Resources</u>
<u>4 children</u>	<u>30% of Obligor's Net Resources</u>
<u>5 children</u>	<u>35% of Obligor's Net Resources</u>
<u>6+ children</u>	<u>Not less than the amount for 5 children</u>

SECTION 5. Section 154.129, Family Code, is amended to read as follows:

Sec. 154.129. ALTERNATIVE METHOD OF COMPUTING SUPPORT FOR CHILDREN IN MORE THAN ONE HOUSEHOLD. (a) If the obligor's monthly net resources are not greater than the amount described by Section 154.125(a) and if the obligor's monthly net resources are equal to or greater than the amount described by Section 154.125(c), in [In] lieu of performing the computation under the preceding section, the court may determine the child support amount for the children before the court by applying the percentages in the table below to the obligor's net resources:

MULTIPLE FAMILY ADJUSTED GUIDELINES

(% OF NET RESOURCES)

Number of children before the court

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
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1	Number of	0	20.00	25.00	30.00	35.00	40.00	40.00	40.00
2	other	1	17.50	22.50	27.38	32.20	37.33	37.71	38.00
3	children for	2	16.00	20.63	25.20	30.33	35.43	36.00	36.44
4	whom the	3	14.75	19.00	24.00	29.00	34.00	34.67	35.20
5	obligor	4	13.60	18.33	23.14	28.00	32.89	33.60	34.18
6	has a	5	13.33	17.86	22.50	27.22	32.00	32.73	33.33
7	duty of	6	13.14	17.50	22.00	26.60	31.27	32.00	32.62
8	support	7	13.00	17.22	21.60	26.09	30.67	31.38	32.00

9 (b) If the obligor's monthly net resources are less than the
10 amount described by Section 154.125(c), in lieu of performing the
11 computation under the preceding section, the court may determine
12 the child support amount for the children before the court by
13 applying the percentages in the table below to the obligor's net
14 resources:

15 LOW-INCOME MULTIPLE FAMILY ADJUSTED GUIDELINES

16 (% OF NET RESOURCES)

17 Number of children before the court

		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
18								
19	<u>Number of</u>	<u>0</u>	<u>15.00</u>	<u>20.00</u>	<u>25.00</u>	<u>30.00</u>	<u>35.00</u>	<u>35.00</u>
20	<u>other</u>	<u>1</u>	<u>13.50</u>	<u>18.33</u>	<u>23.13</u>	<u>27.90</u>	<u>32.96</u>	<u>33.47</u>
21	<u>children for</u>	<u>2</u>	<u>12.50</u>	<u>17.00</u>	<u>21.50</u>	<u>26.50</u>	<u>31.50</u>	<u>32.28</u>
22	<u>whom the</u>	<u>3</u>	<u>11.63</u>	<u>15.80</u>	<u>20.63</u>	<u>25.50</u>	<u>30.41</u>	<u>31.33</u>
23	<u>obligor</u>	<u>4</u>	<u>10.80</u>	<u>15.33</u>	<u>20.00</u>	<u>24.75</u>	<u>29.56</u>	<u>30.55</u>
24	<u>has a</u>	<u>5</u>	<u>10.63</u>	<u>15.00</u>	<u>19.53</u>	<u>24.17</u>	<u>28.88</u>	<u>29.90</u>
25	<u>duty of</u>	<u>6</u>	<u>10.50</u>	<u>14.75</u>	<u>19.17</u>	<u>23.70</u>	<u>28.32</u>	<u>29.35</u>
26	<u>support</u>	<u>7</u>	<u>10.41</u>	<u>14.56</u>	<u>18.88</u>	<u>23.32</u>	<u>27.85</u>	<u>28.88</u>

27 SECTION 6. Section 156.401, Family Code, is amended by

1 adding Subsection (c-1) to read as follows:

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

6 SECTION 7. Section 157.005(b), Family Code, is amended to
7 read as follows:

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

- 15 (1) the child becomes an adult; or
16 (2) on which the child support obligation terminates
17 under the child support order or by operation of law.

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

21 (a) If a motion for enforcement of child support requests a
22 money judgment for arrearages, the court shall confirm the amount
23 of arrearages and render [~~one~~] cumulative money judgments as
24 follows:

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

27 (2) a cumulative money judgment for the amount of

1 medical support owed under Subsection (b-1); and

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

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

6 (1) unpaid child support not previously confirmed;

7 (2) the balance owed on previously confirmed child
8 support arrearages or lump sum or retroactive child support
9 judgments;

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

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

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

15 (1) unpaid medical support not previously confirmed;

16 (2) the balance owed on previously confirmed medical
17 support arrearages or lump sum or retroactive medical support
18 judgments;

19 (3) interest on the medical support arrearages; and

20 (4) a statement that it is a cumulative judgment for
21 the amount of medical support owed.

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

24 (1) unpaid dental support not previously confirmed;

25 (2) the balance owed on previously confirmed dental
26 support arrearages or lump sum or retroactive dental support
27 judgments;

1 (3) interest on the dental support arrearages; and

2 (4) a statement that it is a cumulative judgment for
3 the amount of dental support owed.

4 (b-3) In rendering a money judgment under this section, the
5 court may not reduce or modify the amount of child support, medical
6 support, or dental support arrearages but, in confirming the amount
7 of arrearages, may allow a counterclaim or offset as provided by
8 this title.

9 SECTION 9. Section 159.605(b), Family Code, is amended to
10 read as follows:

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

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

15 (2) that a hearing to contest the validity or
16 enforcement of the registered order must be requested within 30
17 [~~20~~] days after notice unless the registered order is under Section
18 159.707;

19 (3) that failure to contest the validity or
20 enforcement of the registered order in a timely manner will result
21 in confirmation of the order and enforcement of the order and the
22 alleged arrearages; and

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

24 SECTION 10. Section 234.007(a), Family Code, is amended to
25 read as follows:

26 (a) A court that orders a party to pay [~~income to be withheld~~
27 ~~for~~] child support under a temporary or final order shall order that

1 all [~~income ordered withheld for~~] child support payments [~~shall~~] be
2 paid through [~~to~~] the state disbursement unit, including any child
3 support that the court orders an employer to withhold from the
4 income of the obligor.

5 SECTION 11. Section 240.009, Property Code, is amended by
6 adding Subsection (e) to read as follows:

7 (e) A disclaimer of an interest in property made by an
8 individual must contain a statement under penalty of perjury
9 regarding whether the disclaimant is a child support obligor whose
10 disclaimer is barred under Section 240.151(g). An individual's
11 failure to include the statement does not invalidate a disclaimer
12 if the disclaimer is not barred under Section 240.151(g).

13 SECTION 12. The enactment of this Act does not constitute a
14 material and substantial change of circumstances sufficient to
15 warrant modification of a court order or portion of a decree that
16 provides for the support of a child rendered before the effective
17 date of this Act.

18 SECTION 13. (a) Section 8.062, Family Code, as added by this
19 Act, applies only to a maintenance order rendered on or after the
20 effective date of this Act. A maintenance order rendered before the
21 effective date of this Act is governed by the law in effect on the
22 date the order was rendered, and the former law is continued in
23 effect for that purpose.

24 (b) Notwithstanding Subsection (a) of this section, an
25 obligor subject to a maintenance order rendered before the
26 effective date of this Act may choose to remit maintenance payments
27 to the state disbursement unit as provided by Chapter 234, Family

1 Code, and the state disbursement unit shall accept those payments.

2 SECTION 14. Section 154.0655, Family Code, as added by this
3 Act, and Section 154.066, Family Code, as amended by this Act, apply
4 only to a proceeding to establish or modify a child support
5 obligation that is pending in a trial court on or filed on or after
6 the effective date of this Act.

7 SECTION 15. The changes in law made by this Act to Sections
8 154.125 and 154.129, Family Code, apply to a suit affecting the
9 parent-child relationship that is filed on or after the effective
10 date of this Act. A suit filed before the effective date of this Act
11 is governed by the law in effect on the date the suit is filed, and
12 the former law is continued in effect for that purpose.

13 SECTION 16. Section 156.401, Family Code, as amended by
14 this Act, applies only to a suit for modification of a child support
15 order that is filed on or after the effective date of this Act. A
16 suit for modification that is filed before the effective date of
17 this Act is governed by the law in effect on the date the suit was
18 filed, and the former law is continued in effect for that purpose.

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

25 SECTION 18. Section 159.605, Family Code, as amended by
26 this Act, applies only to a support order or income-withholding
27 order issued by a court of another state that is registered in this

1 state on or after the effective date of this Act. A support order or
2 income-withholding order that is registered in this state before
3 the effective date of this Act is governed by the law in effect on
4 the date the order was registered, and the former law is continued
5 in effect for that purpose.

6 SECTION 19. Section 240.009, Property Code, as amended by
7 this Act, applies only to a disclaimer made on or after the
8 effective date of this Act. A disclaimer made before the effective
9 date of this Act is governed by the law in effect at the time the
10 disclaimer was made, and the former law is continued in effect for
11 that purpose.

12 SECTION 20. This Act takes effect September 1, 2021.