

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 5, 2021

TO: Honorable Victoria Neave, Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB286 by West (Relating to suits affecting the parent-child relationship and child support, including the payment of spousal maintenance by an obligor ordered to pay child support and the disclaimer of a property interest by a child support obligor.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to provide that, if an obligor is ordered to pay an obligee maintenance under Family Code Chapter 8 and child support under Chapter 154, the court must order the payment of maintenance to the state disbursement unit. The bill would provide that, to the extent possible, a court must rely on evidence of a party's resources when applying support guidelines, and in the absence of that evidence, when considering intentional unemployment or underemployment or wage and salary considerations, the court must consider certain relevant background circumstances regarding the obligor. The bill would provide that the court cannot consider incarceration as intentional unemployment or underemployment when establishing or modifying a support order.

The bill would amend the net resources guidelines for support of a child and adds a new resource guideline in cases where the obligor's monthly net resources are less than \$1,000.

The bill would require a court, where a motion for enforcement of child support requests a money judgment for arrearages, to confirm the amount of arrearages and render a cumulative money judgment for child support owed, medical support owed, and dental support owed. The bill would prevent the court from reducing or modifying the amount of child support, medical support, or dental support arrearages when rendering a money judgment, but may allow a counterclaim or offset as provided by statute. The bill would require that orders to a party to pay for child support under a temporary or final order must order all payments be paid through the state disbursement unit.

The bill would also amend the Property Code to require a disclaimer of interest in property to contain a statement under penalty of perjury regarding whether the disclaimant is a child support obligor whose disclaimer is barred. The bill would provide that an individual's failure to include the statement does not invalidate a disclaimer if the disclaimer is not barred under Section 240.151(g).

Based on the analysis of the Office of Court Administration and the Office of the Attorney General, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing available resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 302 Office of the Attorney General

LBB Staff: JMc, DKN, BH, SMAT, MW