

BILL ANALYSIS

H.B. 1695
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2014, a Houston father named Cliff Hall was jailed for a week by order of a Harris County civil court judge because of a clerical child support-withholding error. The error was the fault of Hall's employer, yet he was held liable even though the error was out of his control. Hardworking, committed parents should not be penalized for other people's errors. H.B. 1695 seeks to prevent such occurrences by prohibiting an individual from being held in contempt of court for failure to pay child support if the individual is up-to-date on payments as ordered and if the failure to make timely payment was due to an error made under circumstance outside the respondent's control. This ensures that parents are not punished for situations outside of their control, such as unforeseen natural disasters and clerical errors made by employers or those processing payments.

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. 1695 amends the Family Code to prohibit a court from finding a respondent in contempt of court for failure to pay child support if the respondent appears at the hearing with the following evidence:

- a copy of the payment record or other evidence satisfactory to the court showing that the respondent is current in the payment of child support; and
- evidence satisfactory to the court showing that the respondent's failure to make timely payments was due to circumstances outside the respondent's control.

The bill applies only to a hearing to enforce an order in a suit affecting the parent-child relationship that commences on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.