

BILL ANALYSIS

S.B. 869
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law regarding child support needs to be modified to address several issues relating to suits affecting the parent-child relationship (SAPCR) and the enforcement of child support obligations. S.B. 869 proposes, among other updates, to add email addresses to the required contact information that must be included in SAPCR, recognizing that email is now a primary method of communication between parents, and allow parents to use a digitized signature when executing a waiver of service before a notary, allowing that waiver to be more quickly and easily e-filed or electronically routed to the court clerk for filing. Additionally, this legislation seeks to clarify any ambiguity on the proper application of Social Security Disability lump-sum payments received by a child based on the obligor's disability and to make additional clarifications to ensure that courts may not reduce or modify child support arrearages when rendering a judgment for child, medical, or dental support arrearages, and prohibiting a court from delaying a paternity adjudication solely because the court has not obtained jurisdiction over all parties. This latter change would help reduce delays in obtaining appropriate orders addressing other pressing SAPCR issues, including child support. Finally, S.B. 869 would address the release of child support liens and disallow assignments of inherited property by delinquent child support obligors.

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

S.B. 869 revises provisions relating to suits affecting the parent-child relationship, including the payment and enforcement of a child support order.

S.B. 869 amends the Estates Code to establish that an assignment of property or an interest in property from a decedent under a will, by inheritance, or as a beneficiary under a life insurance contract by a child support obligor to another person does not take effect to the extent that the property or interest could be applied to satisfy a support obligation of the obligor that has been either administratively determined as evidence by a certified child support payment record produced by the attorney general's office in a child support case or confirmed and reduced to judgment as provided by Family Code provisions relating to confirmation of arrearages. If this scenario applies, the bill authorizes the child support obligee to whom child support arrearages are owed to enforce the child support obligation against the obligor as to the assigned property or interest in property by a lien or by any other remedy provided by law. The bill establishes

that, unless the personal representative of a decedent's estate has actual notice of a claim that an assignment of property or an interest in property does not take effect under the bill's provisions, the personal representative is not liable for transferring property pursuant to such assignment.

S.B. 869 amends the Family Code to change the prohibition against a party to a suit affecting the parent-child relationship who is executing a waiver of issuance or service of citation signing the waiver using a digitized signature with an authorization to do so. This provision applies only to a waiver of citation executed in such a suit on or after the bill's effective date.

S.B. 869 requires a final order in an applicable suit affecting the parent-child relationship to contain each party's email address and authorizes the court, in a subsequent child support enforcement action, on a showing that diligent effort has been made to determine the location of the party, to consider due process requirements for notice and service of process to be met with delivery of notice to the most recent email address provided to the court by the party. The bill requires a party to give a written notice to each other party of an intended change in the party's current email address. These provisions apply only to a suit affecting the parent-child relationship that is filed on or after the bill's effective date.

S.B. 869 clarifies that court child support guidelines apply to an obligor who has a disability and is required to pay support for a child who receives periodic benefits as a result of the obligor's disability. The bill requires the credit for a lump-sum payment made to an obligee as a result of the obligor's disability benefits to be applied to any child support arrearage and interest owed by the obligor on behalf of that child at the time the payment is made. The bill removes, from the provision establishing a court's retained jurisdiction to confirm the total amount of child support, medical support, or dental support arrearages and render cumulative money judgments for past-due support if a motion requesting a money judgment is filed by a specified time, the specification that the motion is for enforcement. The bill makes this same removal in provisions relating to confirmation of arrearages and clarifies that the prohibition in those provisions against a court reducing or modifying the amount of arrearages in rendering a money judgment applies with respect to a money judgment under provisions relating to the parent-child relationship and the suit affecting that relationship that includes child support, medical support, or dental support arrearages. The bill prohibits a credit for the payment of disability benefits from being used to reduce the amount of a periodic child support obligation that has not yet accrued. These provisions apply only to an applicable lump-sum payment received by a child support obligee on or after bill's effective date.

S.B. 869 repeals provisions making a child support lien with respect to real property effective only until the 10th anniversary of the date on which the lien notice was filed and providing for the lien's renewal after that date. The bill applies to a child support lien on real property regardless of whether the lien notice was filed before, on, or after the bill's effective date. However, a lien for which the 10th anniversary of the date on which the last lien notice was filed occurred before the bill's effective date may be renewed on or after the effective date in the same manner and with the same effect on priority over other liens as provided by the repealed provisions and may be continued as those provisions provide.

S.B. 869 prohibits the court from delaying an adjudication of parentage in a suit that is pending in a trial court on the bill's effective date or that is filed on or after that date, solely due to a lack of jurisdiction.

S.B. 869 removes the condition that a motion requesting a money judgment that is filed not later than the 10th anniversary after the date the child becomes an adult or on which the child support obligation terminates under the child support order or by operation of law be a motion for enforcement in order to trigger the court's retention of jurisdiction to confirm the total amount of child support, medical support, and dental support arrearages and render cumulative money judgments for past-due support. These provisions apply only to an applicable motion that is filed on or after the bill's effective date.

S.B. 869 repeals Section 157.318(d), Family Code.

EFFECTIVE DATE

September 1, 2023.