

BILL ANALYSIS

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By: West
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Senate Bill 870 is the biennial cleanup bill to modify existing child support statutes related to Title IV-D matters recommended by the Texas Attorney General.

Section 1 – Proofs of Claim in Estate Proceedings of Delinquent Child Support Obligor – Cleanup Language

Amends Estates Code § 355.102(e) to clarify that a certified child support payment record produced by the IV-D agency is sufficient evidence of the amount of child support arrears that have been "administratively determined by the Title IV-D agency" as it relates to Class 4 claims in an estate proceeding.

Issue: The Estates Code includes provisions intended to ensure that child support obligor's assets are subject to child support enforcement remedies. However, the use of the term "administratively determined by the Title IV-D agency" is vague and has created litigation and lost collections for families who are owed child support.

Justification: This term is used in the Estates Code § 355.102 to define the IV-D agency's Class 4 claim to a deceased obligor's estate. Due to the lack of specificity or definition regarding "administratively determined" arrears, the IV-D agency has encountered litigation costs and lost collections when pursuing these types of assets. This change clarifies that a certified child support payment record produced by the IV-D agency is sufficient evidence to establish the amount of past-due child support owed by a deceased obligor in an estate proceeding.

Section 2 - Child, Medical, & Dental Support Language Clean-Up

Amends Family Code § 154.004 to clarify that both medical support and dental support payments shall also be paid through the State Disbursement Unit (SDU)

Issue: Family Code § 154.004 requires the payment of "child support" to the SDU. The code never explicitly defines "child support" as also including both medical support and dental support obligations, despite the fact that the SDU currently processes and disburses payments made toward all three of these types of obligations. Chapter 154 should be clarified to specifically include medical support and dental support payments in addition to child support payments.

Justification: In the 87th Legislative Session (2021), amendments to Family Code §§ 157.005, 157.263, and 234.007(a) clarified that child support, medical support, and dental support are separate obligations for the purpose of judgments and required all "child support payments" be made through the SDU. Family Code § 154.004 only refers to "child support" being required payments through the SDU. Federal and state law require all support payments be made through the SDU and the clean-up would ensure courts and litigants understand "child support" payments include all relevant support obligations.

Section 3 - Orders for Unemployed or Underemployed Child Support Obligor to Participate in Employment Assistance Programs

Adds Family Code § 154.017 to specifically allow courts when establishing or modifying child

support obligations to order an unemployed or underemployed child support obligor to enroll and participate in services offered by local employment assistance programs. Courts would further be authorized to enforce such orders by contempt.

Issue: The IV-D agency in coordination with courts, often order unemployed or underemployed obligors to participate in employment assistance programs. These programs ensure obligors have all resources necessary to meet the financial obligations for their child. Often times, obligors are required to participate with these employment programs in an establishment or modification order. While the Family Code authorizes the court to enforce participation in such programs as a term of community supervision after an obligor is found in contempt for nonpayment of child support, there is not clear statutory authority for a court to enforce these provisions when contained in a support establishment or modification order.

Justification: Employment services are a critical tool in assisting obligors meet support obligations and ensuring every child receive the support they need and deserve. Currently, courts do not have an adequate enforcement mechanism to mandate participation in such employment programs at the time that child support is initially established or modified. Providing courts the ability to order and enforce employment services referrals at an earlier stage of a child support case could help address and remedy the obstacles that many unemployed or underemployed obligors face in attempting to comply with their newly established or modified support obligations.

Section 4 - Administrative Modifications for Incarcerated Obligor

Amends Family Code § 156.401(b) to include exceptions to existing child support modification grounds that reference the new administrative modification process for incarcerated obligors contained in Family Code §§ 231.1015, 231.1016, and 231.1017 which are created in Section 12 of this bill.

Issue: See Section 12 (below)

Justification: See Section 12 (below)

Sections 5 & 6 – Lien Releases by the IV-D Agency

Amends Family Code §§ 157.321 and 157.322 to remove the verification requirement for child support lien releases filed by the IV-D agency.

Issue: While the general rule in Property Code § 12.001 is that property records require notarization, the legislature previously exempted the IV-D agency from the notarization requirement when recording child support lien notices. However, the prior legislation did not address also removing the notarization requirement when the IV-D agency subsequently files releases of these liens.

Justification: The IV-D agency processes tens of thousands of child support lien notices and lien releases each year. Previously, the legislature in Family Code § 157.313(e) removed the verification requirement for child support lien notices filed by the IV-D agency. This same exemption should be extended to the releases of child support liens filed by the IV-D agency. This missing exemption often increases the time it takes for the IV-D agency to process lien releases involving pending real estate transactions, when frequently time is critical to those impacted by the existing lien.

Section 7 - Notice to IV-D Agency of Reinstatement of Parental Rights

Amends Family Code § 161.304 to require notice to the IV-D agency when there has been a reinstatement of an individual's parental rights to a child following a prior termination.

Issue: In the 87th Session, Family Code § 161.304 was amended to authorize a court to reinstate the parental rights of a former parent whose rights were involuntarily terminated. In the event of a reinstatement of parental rights, the IV-D agency does not have notice of a reinstatement order

which may either require the parent to pay support for the child or create a situation where child support needs to be addressed.

Justification: If the child support agency is not aware of a reinstatement of parental rights order, including any reinstated support obligations, or a need to obtain appropriate further orders to address the child support obligation, it could significantly delay the agency's ability to assist the impacted family.

Section 8 - Virtual Court Proceedings Conducted by IV-D Associate Judges

Adds Family Code § 201.1045 to authorize the continued use of virtual dockets and court hearings by IV-D associate judges in child support matters. Allows IV-D associate judges to conduct remote hearings from any location in the state using remote communication unless a party files a written objection. Establishes that a respondent in a child support contempt or revocation of community supervision case is entitled to an in-person court hearing unless the respondent waives that right.

Issue: IV-D court dockets and families with child support cases have benefited from the flexibility provided by the Governor's and Supreme Court's emergency orders during the pandemic. Specifically, IV-D associate judges have been able to conduct dockets without being physically present in the county seat of the court with continuing, exclusive jurisdiction, and the IV-D courts have been authorized to facilitate court dockets remotely. When the emergency orders expire, the Family Code does not clearly authorize many of the efficiencies currently utilized by the IV-D courts.

Justification: The procedures authorized by the Governor and Supreme Court of Texas have made significant strides toward modernizing the legal practice in Texas and provided necessary flexibility needed to provide legal services to the public. However, the Family Code needs to reflect the new realities of the legal practice, particularly in the IV-D courts. The section adopts many of the authorized procedures in the Supreme Court's emergency orders for IV-D courts. Since 2020, virtual dockets in IV-D child support cases have resulted in greater judicial efficiency, improved rates of appearances by involved parties, higher percentages of order finalized, fewer default judgments and resets, and increased access to the courts by Texas parents. Additionally, utilization of virtual dockets is a necessity for the continued efficient delivery of legal services by the IV-D agency and the IV-D courts. The large volume of IV-D child support litigation and the limited judicial and IV-D agency resources, combined with the large geographic distances that IV-D associate judges and assistant attorneys general must travel to cover IV-D court hearings in all Texas counties, strongly suggests that such modernization of the IV-D courts is needed.

Section 9 - Administrative Modifications for Incarcerated Obligors

Amends Family Code § 231.002(e) to add to the "powers and duties" of the IV-D agency the ability to administratively adjust the support obligation of an incarcerated parent pursuant to Family Code §§ 231.1015, 231.1016, and 231.1017 which are created in Section 12 of this bill.

Issue: See Section 12 (below)

Justification: See Section 12 (below)

Section 10 - Dismissal of Frivolous Claims Filed Against the IV-D Agency

Adds Family Code § 231.016 to give judges greater discretion to quickly dismiss baseless or frivolous litigation filed against the IV-D agency or its employees pertaining to the powers or duties of, or services provided by, the IV-D agency under Title 5 of the Family Code.

Issue: The IV-D agency has encountered an increasing number of frivolous suits brought by individuals who are parties to a child support order. These suits often times name both the agency and agency employees individually. The suits are typically lengthy pleadings filled with nonsensical arguments (e.g., UCC violations, maritime law claims, lack of contract, etc.) and

conspiracy theories which appear to be circulating within certain groups impacted by child support litigation. The suits waste an inordinate amount of time for assistant attorneys general both in the Child Support Division and in various other divisions of the Office of the Attorney General to respond to and litigate. Texas Rule of Civil Procedure 91a prohibits the use of a motion to dismiss for baseless causes of action in cases "brought under the Family Code." Because these frivolous suits are typically filed into the existing family law cause of action, courts often feel compelled to entertain significant litigation before ultimately dismissing these suits. Recently, the 13th Court of Appeals in dicta even referenced this TRCP 91a limitation in a IV-D case despite the frivolous suit raising no claims under the Family Code.

Justification: Family courts need clear, statutory authorization to dismiss frivolous suits that do not raise any causes of actions available under the Family Code. Federal law provides a procedure which requires the court to dismiss this type of litigation in an expedient manner. Often times when the IV-D agency is sued in federal court by these individuals, the agency receives notice that the suit has been dismissed via a Westlaw opinion without ever being served or even noticed of the suit. A similar state law provision would provide an expedited process for the courts to remove these suits from their caseload and ease the burden on the IV-D agency in responding to the litigation.

Section 11 - IV-D Agency Child Support Disbursements to DFPS

Amends Family Code § 231.101 to address proper disbursement of support payments by the IV-D agency in substitute care cases involving the Texas Department of Family and Protective Services (DFPS).

Issue: DFPS has an assignment to all support rights in substitute care cases pursuant to Family Code § 264.109. Courts often order payments to be made directly to the substitute caretaker despite DFPS continued involvement. These orders violate the state's (DFPS) assignment and creates significant financial issues depending on the Foster Care Program/Benefit Types. The IV-D agency has been instructed by DFPS to send all support payments in their case to DFPS for proper distribution. The IV-D agency faces potential contempt of court litigation when a court order contradicts DFPS's assignment, federal distribution regulations, and the DFPS/IV-D agency agreement.

Justification: Federal regulations dictate the proper distribution of child support collections in foster care cases (45 C.F.R. §§ 302.52 and 302.51). Trial courts often order support payments be made directly to the substitute caretaker, in direct contravention of the DFPS state-assignment and the fact that federal distribution requirements may also have resulted in the state retaining those support payments to offset foster care benefits paid directly to a child's substitute caretaker by DFPS. These orders create significant financial accounting issues depending on the Foster Care Program/Benefit Types and has negative financial impacts on state programs and funding. The IV-D agency needs a state statutory requirement to clearly authorize it to administratively send payments on foster care referrals to the proper state agency for disbursement.

Section 12 - Administrative Modifications for Incarcerated Obligor

Adds Family Code §§ 231.1015, 231.1016, and 231.1017. This legislation would create a new expedited administrative procedure in IV-D cases to adjust an obligor's current support obligations when the agency is notified that the obligor will be incarcerated for more than 180 days. The IV-D agency would have the administrative authority adjust an obligor's current support obligations to amounts based on the application of the child support guidelines to the current net resources available to the obligor to pay support while incarcerated. Parties would receive notice of the administrative adjustment and would have the ability to contest the administrative action taken by the IV-D agency prior to it taking effect. At the end of the administrative contest process, a party may further challenge the administrative adjustment by filing an action to contest it in court. The IV-D agency would be required to file an order with the court at the conclusion of the administrative process for judicial confirmation of the administratively adjusted support obligations. Upon the release of the obligor from incarceration, the Title IV-D agency would be required to conduct a review of the support obligations and

pursue a modification in appropriate IV-D cases, either judicially or through the agency's Child Support Review Process.

Issue: Federal rules require state IV-D agencies to either immediately initiate a child support review or notify parties of their right to review within 15 business days of learning that a noncustodial parent will be incarcerated for more than 180 days. Incarcerated obligors typically have nonexistent earning capabilities during their periods of confinement. Judicial modifications of incarcerated obligors' support obligations most often result in a reduction of their support obligations to \$0 when the child support guidelines are applied to their net resources. Absent an expedited process for the IV-D agency to administratively adjust or modify the child support obligations for incarcerated obligors to appropriate amounts under the child support guidelines, the agency will have to continue to allocate significant staffing and financial resources toward initiating and conducting these required child support reviews and then filing judicial modification actions to address the reduction of current support obligations to guideline amounts.

Justification: As of January 30, 2023, CSD's caseload currently includes 23,815 open cases that involve 18,118 incarcerated obligors. These parents owe a total of over \$450 million in child support arrears, or an average of approximately \$25,000 per parent. In 10,168 of these cases, involving 8,762 of the incarcerated obligors, there is still an active current support obligation. These obligations are currently accruing a total of over \$3 million each month, resulting in an average of almost \$350 being added to the child support arrears balances of the incarcerated parents in these cases every month. Judicial modification actions typically take 4-6 months to complete. They require participation and court appearances from the obligee, who is often not motivated to participate in the process, as well as the obligor, who often finds it difficult or next to impossible to participate in the proceedings from prison. They also take up valuable court time and limited docket space that can be used to litigate cases that result in actual money being paid to families. It is often difficult for incarcerated obligors to access the judicial system to seek modification of their support orders. Many don't seek assistance to have their orders modified which results in arrears accruing year after year during their incarceration. Obligor exiting the prison system often owe tremendously high amounts of back child support which can create significant impediments for them during re-entry. According to the Federal Office of Child Support Enforcement (OCSE), incarcerated parents leave prison with an average of \$20,000 or more in unpaid child support, with little or no means to pay upon release. This accumulated debt is rarely paid. Research finds that uncollectable debt substantially reduces a noncustodial parent's earnings, which in turn reduces child support payments to their families. Studies have shown that reducing uncollectable debt can increase the amount payments going to families.

Prior Legislation: This legislation was included in the IV-D agency's omnibus bill in the 86th Legislative Session (S.B. 1675), which was passed by the Senate unanimously and made it to the House floor for 2nd reading on the final day for bills to be passed to 3rd reading. It was the next bill on the House calendar at the midnight deadline.

Section 13 - Confidentiality of IV-D Agency Records

Amends Texas Family Code § 231.108 to clarify that courts may not order the IV-D agency to release information that is confidential or privileged.

Issue: Family Code § 231.108 indicates all files and records of the Title IV-D agency are confidential and privileged. This includes locate information contained in the IV-D case files and computer system. Despite the existing confidentiality statute and existing statutorily outlined procedures for a court to instead utilize the state parent locator service to obtain parent locate information, trial courts across the state and even one appellate court continue to order the IV-D agency to release confidential information to the court or another party (see *In re Off. of Atty. Gen. of Texas*, 05-18-00086-CV, 2018 WL 1725069 (Tex. App.--Dallas Apr. 10, 2018)). This results in unnecessary litigation and potential violations of federal IV-D program requirements.

Justification: Extensive federal laws and regulations require states to implement statutes to preserve the confidentiality of IV-D case information and implement parent locator services.

Federal requirements dictate the exclusive procedures available to a court or a party for obtaining information from the IV-D agency via parent locator services. Litigants and courts attempting to expedite the gathering of information by directing the IV-D agency to violate federal program requirements and existing state law has resulted in significant and costly litigation and poses an unnecessary risk of potential state noncompliance with Texas' "State Plan" with the federal government. A clear statutory prohibition to prevent a court from ordering the IV-D agency to release such confidential or privileged information from its case files would significantly reduce litigation costs involved in having to challenge such orders.

Sections 14 & 15 – IV-D Agency Referrals for Employment Services

Amends the heading of Family Code § 231.117 to read "Employment Services-Related Referrals for Unemployed and Underemployed Obligor" and amends § 231.117(a) to provide that the IV-D agency may also make employment services-related referrals to obligors who are not in arrears.

Issue: The heading language currently reads "Underemployed and Underemployed Obligor." However, this section currently deals exclusively with IV-D agency referrals of delinquent obligors who are unemployed or underemployed to local entities that provide employment services. The IV-D agency has found that referring non-delinquent unemployed or underemployed obligors to an employment services provider is an effective tool to help prevent the accumulation of delinquent child support and in ensuring that families receive sufficient and continuous financial support.

Justification: Changing the heading language of § 231.117 would align it with heading language and terminology utilized in the proposed new Family Code § 154.017, "EMPLOYMENT SERVICES-RELATED ORDERS FOR UNEMPLOYED AND UNDEREMPLOYED OBLIGORS" which is created in Section 3 of this bill and relates to court orders for unemployed or underemployed obligors to participate in local programs offering employment-related services. Expanding the IV-D agency's statutory authority to refer non-delinquent obligors to employment-related services would benefit families by assisting unemployed or underemployed child support obligors in obtaining meaningful employment so that they can avoid arrears and provide ongoing support for their children.

Section 16 - Child Support Review Process – Addressing Arrears Agreements or Disputes Beyond 10 Years from the Obligation's End Date

Adds Family Code § 233.0155 to allow a process for the IV-D agency to address child support arrearage disputes or agreements to reduce arrears amounts through the Child Support Review Process (CSRP) after the expiration of the court's jurisdiction to render an arrears judgment.

Issue: Family Code § 157.005 currently limits the court's jurisdiction to render a judgement confirming arrears to 10 years from the date the current support obligation ends. After that, the court has no authority to confirm the arrears owed on the case and the IV-D agency has no remedy to address issues with unconfirmed arrears balances. Over the years, appellate courts have carved out exceptions for obligors and obligees to obtain judgments via judicial writ of withholding litigation, lien challenge litigation, and even "non-enforcement" confirmation of arrears suits. However, the IV-D agency does not have any analogous authority to obtain an arrears determination beyond the 10 years. This prevents the IV-D agency from assisting customers with 1) agreed arrears releases and 2) legitimate arrears contests once the 10-year jurisdictional period has expired.

Justification: The current version of Family Code § 157.005(b) only hinders the IV-D agency's ability to process customers' legitimate issues with arrears on old obligations. The IV-D agency encounters cases opened beyond the 10-year mark and is unable to assist with litigating legitimate concerns regarding the arrears balance unless one of the parties files a suit against the state. Appellate courts have consistently identified various statutory avenues in the Family Code for the trial court to make arrears findings after 10 years for private litigants; however, the IV-D agency has no similar statutory avenue to assist customers in the resolution of these disputes once the court's 10-year jurisdictional limitation on rendering a child support judgment has

expired. This issue has created difficulties for many families who have sought IV-D agency assistance in correcting incorrect child support arrears balances and the agency's inability to resolve such issues has resulted in numerous legislative complaints.

Section 17 - Child Support Review Process – Unsworn Declarations & Nondisclosure Orders

Amends Family Code § 233.018(e) to allow the removal of a party's address when utilizing an unsworn declaration to execute a waiver during the Child Support Review Process (CSRP) if a nondisclosure order exists or is included in the CSRP order.

Issue: In obtaining a support order using CSRP under Chapter 233, the legislature amended § 233.018 in the 87th Session to allow the use of unsworn declarations when executing the requisite waivers required to be completed by the parties who participated in the CSRP negotiation conference. In the same legislation, the legislature further amended § 233.018 to remove the requirement that a party's address appear in the CSRP order when the court has previously made a finding and ordered nondisclosure under § 105.006(c) or when the child support review order contains an agreed finding and order of nondisclosure under § 105.006(c). However, the jurat in Texas Civil Practice and Remedies Code § 132.001(d), when executing an unsworn declaration, requires the person signing the declaration to include their address. This effectively prevents individuals who are currently under the protection of a nondisclosure order, or who are obtaining one in the CSRP order, from utilizing the convenience of an unsworn declaration during the CSRP process.

Justification: As the IV-D agency had moved to a virtual service model for conducting administrative CSRP negotiation conferences, the ability to utilize unsworn declarations in lieu of notarization of CSRP waivers has proved to be an essential element in the ability to expedite administrative support orders to the courts. Currently, parties that are protected by a finding or an order for nondisclosure are unable to utilize the convenience of quickly completing their CSRP orders using an unsworn declaration due to the requirement that their address be disclosed in the jurat for the declaration. Allowing a specific exception to eliminate the address requirement in the unsworn declaration for such protected parties during a CSRP proceeding would ensure that those individuals are also able to receive the same level of expedited support order obtainment.

Section 18 - Child Support Review Process – Waiver Language Clean-Up

Amends Family Code § 233.020(a) to clarify that a digitized signature is allowed when completing a Child Support Review Process (CSRP) waiver in both agreed and non-agreed CSRP orders under Chapter 233.

Issue: In the 87th Session, Family Code § 233.018 was amended to authorize digitized signatures for the waiver used in the Child Support Review Process. This is the statute that addresses agreed order waivers. Family Code § 231.020 is the statute for non-agreed CSRP orders and historically has adopted the waiver requirements of § 231.018; however, it specifically references subsection (b) instead of the entire § 231.018. Due to the 2021 updates to § 233.018, the specific reference to subsection (b) needs to be removed and the non-agreed order waiver authority simply cite to the entire § 233.018 to clarify that a digitized signature, notary, or unsworn declaration may also be used in the non-agreed waiver process.

Justification: All of the specific procedures applicable to a CSRP waiver are codified in Family Code § 233.018. While this statute primarily deals with agreed CSRP orders, over time it has been used to codify all the statutory requirements related to CSRP waivers. The statute for non-agreed CSRPs cross-references back to this statute for non-agreed waiver procedures. Prior to 2019, only subsection (b) of § 233.018 addressed waiver procedures. The statute now includes several other subsections related to CSRP waiver requirements that should be applicable to all CSRPs. The Family Code does not address CSRP waivers in any other statute.

Section 19 - Certified IV-D Agency Payment Records

Amends Family Code § 234.001(d) to clarify that certified IV-D agency payment records may be admitted in the same manner as a certified State Disbursement Unit (SDU) payment record

Issue: Private attorneys occasionally raise authentication and hearsay objections to IV-D agency payment records. Family Code § 157.162(c) authorizes any party to update a payment record at the hearing if previously attached to the motion for enforcement. The 5th Court of Appeals found that "payment record" was not defined by the Family Code and a IV-D agency payment record was properly excluded from evidence in light of authentication and hearsay objections. The IV-D agency argues at trial, with relative success, that IV-D pay records statutorily overcome hearsay objections based on § 157.162(c); however, authentication is not addressed by this statute. These disputes of official government records unnecessarily create litigation expense and delays to families in need of support.

Justification: The legislature has already provided evidentiary protections and more efficient admission procedures for payment records maintained by the SDU. In § 234.001(d), there is already a clear statutory authentication and hearsay exception for introduction into evidence of certified payment records produced by the SDU. However, SDU payment records are typically not utilized in court as attorneys and judges in IV-D cases typically prefer to utilize the format of the IV-D agency version of the same payment record during hearings. Payments reflected in SDU payment records are identical to the payments in the IV-D agency payment records as the SDU and the IV-D agency utilize the same computer system to post support payments. Section 157.162(c) clearly envisions that child support payment records admissible in court may contain interest accruals and arrears balances, elements that are reflected in IV-D payment records, but not in SDU payment records. Additionally, IV-D payment records reflect separate balances for child support, medical support, and dental support arrears, which assists the court in rendering separate judgements for each obligation type, as statutorily required. To ensure the continued efficient administration of child support enforcement and success in future appellate litigation, § 234.001 should be updated to also include the language providing that certified IV-D agency payment records are equally as admissible as certified SDU payment records. This would assist private attorneys when handling litigation in IV-D cases and assist courts in accurately calculating interest and arrears judgments.

Section 20 - Child, Medical, Dental, Spousal Obligation Clean-Up

Adds Family Code §§ 234.0015 and 234.013 to clarify that for purposes of services provided by the State Disbursement Unit (SDU), a child support payment includes child support, medical support, and dental support. It further clarifies that the SDU shall process spousal maintenance payments ordered under Family Code § 8.062 in the same manner as it processes child support payments.

Issue: Family Code § 234.001 enables the IV-D agency to establish and operate the SDU. Currently, Chapter 234 only refers to "child support payments." Family Code § 154.004 similarly requires the payment of "child support" to the SDU. The Family Code never explicitly defines "child support" as including child support, medical support, and dental support obligations. Additionally, spousal maintenance payments ordered under Family Code § 8.062 are specifically ordered to be paid through the SDU. Chapter 234 should be clarified to define "child support payments" as including child support, medical support, and dental support. Further, there should be clear authorization in Chapter 234 for the SDU to process spousal maintenance payments, as required under § 8.062.

Justification: In the 87th Session, the legislature amended the Family Code to clarify that child support, medical support, and dental support are separate obligations for the purpose of rendering judgments and required all "child support payments" be made through the SDU. Similarly, Family Code § 8.062 was added which requires spousal maintenance ordered along with child support be paid to the SDU "as provided by Chapter 234." Chapter 234 only explicitly provides for the processing of "child support payments" and both Family Code §§ 154.004 and 234.007(a) only refer to "child support" being required payments through the SDU. Based on federal regulations and existing state law, courts have historically ordered all type of support payments be paid through SDU in child support cases. These clean-up provisions would ensure that the SDU has specific statutory authority to process all relevant types of support obligations.

Sections 21 & 22 - Confidentiality of Personal Information of IV-D Agency Employees

Amends Government Code §§ 552.117(a) and 552.1175(a) to specifically include IV-D agency employees in the same protections provided to Office of the Attorney General (OAG) staff who work in divisions that perform law enforcement activities. This would protect the personal information of IV-D agency employees from public disclosure requirements in a public information request.

Issue: Government Code § 552.024 requires state employees to elect to allow/deny public access to their personal identifying information, i.e., home address, home telephone number, emergency contact information, social security number, or information regarding family members. Government Code § 552.021 requires the release of this information to the public should an employee fail to elect the restriction. Due to the high conflict nature involved in providing IV-D services in family law cases, agency staff are regularly subjected to unreasonable conduct by customers who are not satisfied with the status or outcomes of their cases and opt to project those frustrations directly onto IV-D agency employees.

Justification: Government Code §§ 552.117 and 552.1175 provide exceptions to public disclosure requirements to ensure that the personal information of certain state employees remain confidential due to the nature of their work – including OAG employees involved in law enforcement functions. OAG IV-D agency staff are involved in what is considered one of the most personal and conflict-intensive areas of law – family law. IV-D agency staff are required to enforce financial obligations in child support cases. These remedies include making collection calls, garnishing pay checks, issuing liens on property, freezing and levying funds in bank accounts, filing litigation, and even requesting jail time for obligors who are noncompliant in their child support obligations. Disgruntled customers often harass, sue, or otherwise attempt to intimidate IV-D agency staff. These customers often fixate on any IV-D agency staff names they can identify on documents issued by the agency or that they obtain during office visits or court. This often results in frivolous lawsuits or bogus liens being filed personally against these individuals and threats being received through personal telephone numbers or through correspondence at their home addresses. Providing these IV-D agency employees working for the Child Support Division of the OAG with the same disclosure protections as OAG staff who work in other divisions that perform law enforcement functions would be a prudent step in helping to protect their safety.

Section 23 - Lien Releases by the IV-D Agency

Amends Property Code § 12.0011(d) to add child support lien releases to the existing processing exemptions already in place for the IV-D agency when filing child support lien notices.

Issue: The legislature previously exempted the IV-D agency from original signature and notarization requirement contained in Property Code § 12.0011 when recording "paper document" child support lien notices. However, the prior legislation did not address also removing the original signature and notarization requirement when the IV-D agency subsequently files releases of these liens.

Justification: The IV-D agency processes tens of thousands of child support lien notices and lien releases each year. In Property Code § 12.0011(d), the legislature has previously exempted the IV-D agency from the original signature and notarization requirements when filing "paper document" child support lien notices. This same exemption should also be extended to the filing of "paper document" child support lien releases by the IV-D agency. This missing exemption often increases the time it takes for the IV-D agency to process child support lien releases to a county clerk. Time is often critical as this activity is frequently associated with an obligor who has paid a large sum of money toward arrears to secure a lien release so a pending real estate transaction may be finalized.

Section 24 – Property Disclaimers by Child Support Obligor – Cleanup Language

Amends Property Code § 240.151 to clarify that a certified child support payment record produced by the IV-D agency is sufficient evidence of the amount of child support arrears that have been "administratively determined by the Title IV-D agency" as it relates to disclaimers of interest in property. Also adds cleanup language to ensure that the IV-D agency, in addition to the obligee, may enforce the support obligation through a lien or other remedy against the obligor's disclaimed property.

Issue: Property Code § 240.151 contains existing provisions intended to ensure that a child support obligor's assets are subject to child support enforcement remedies. It also bars an obligor from disclaiming property if arrears amounts under a support obligation have been "administratively determined by the Title IV-D agency." Use of that terminology has proven to be vague and has created litigation and lost collections for families who are owed child support. Additionally, § 240.151 provides that the obligee may enforce the support obligation against the obligor's disclaimed property but neglects to also include the IV-D agency, to which the support obligation has been assigned in a IV-D case.

Justification: Due to the lack of specificity or definition regarding the term "administratively determined by the Title IV-D agency," the IV-D agency could avoid costly litigation and lost collections when pursuing these types of assets if the statute clarifies what constitutes evidence of "administratively determined." A certified child support payment record produced by the IV-D agency should be sufficient evidence to establish the existence of the child support obligation and any existing arrearages. Additionally, the IV-D agency should also be authorized to pursue remedies against the obligor's disclaimed property when the support obligation has been assigned to the agency in a IV-D case.

Section 25 - Confidentiality of Identifying Information of IV-D Agency Employees in Tax Appraisal District Records

Amends Tax Code § 25.025 to specifically include IV-D agency employees in the same protections provided to Office of the Attorney General (OAG) staff who work in divisions that perform law enforcement activities. This would allow IV-D agency employees to elect to restrict public access to their identity in records of property tax appraisal districts.

Issue: Due to the high conflict nature of providing IV-D services, employees are subjected to unreasonable conduct by customers that are not satisfied with their case and project those frustrations directly onto the IV-D agency staff. Disgruntled customers have often utilized property tax appraisal district records to obtain the home addresses of agency employees.

Justification: Tax Code § 25.025 provides an ability for certain state employees to elect to restrict access to their identifying personal information in property tax appraisal district records due to the nature of their work – including employees of the OAG involved in law enforcement functions. OAG IV-D agency staff are involved in what is considered one of the most personal and conflict-intensive areas of law – family law. IV-D agency staff are required to enforce financial obligations in child support cases. These remedies include making collection calls, garnishing pay checks, issuing liens on property, freezing and levying funds in bank accounts, filing litigation, and even requesting jail time for obligors who are noncompliant in their child support obligations. Disgruntled customers often harass, sue, or otherwise attempt to intimidate IV-D agency staff. These customers often fixate on any IV-D agency staff names they can identify on documents issued by the agency or that they obtain during office visits or court. This often results in frivolous lawsuits or bogus liens being filed personally against these individuals and threats being received through personal telephone numbers or through correspondence at their home addresses. Providing these IV-D agency employees working for the Child Support Division of the OAG with the same disclosure protections as OAG staff who work in other divisions that perform law enforcement functions would be a prudent step in helping to protect their safety.

Section 26 - Repealer

Repeals Family Code § 231.117(d). The repealed language was moved to Family Code § 154.017, which was added in Section 3 of this bill.

Sections 27 - 41 - Effective Dates

Section 27 – The changes made in Section 1 of the bill applies only to the estate of a decedent who dies on or after the effective date of this Act. The estate of a decedent who dies before that date is governed by the law in effect on the date of the decedent’s death, and the former law is continued for that purpose.

Section 28 – The changes made in Sections 3, 14, and 15 of the bill do not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the effective date of this Act.

Section 29 – The changes made in Sections 5, 6, and 23 of the bill apply only to a child support lien release executed on or after the effective date of this Act. A child support lien release executed before that date is governed by the law in effect on the date the lien release was executed, and the former law is continued in effect for that purpose.

Section 30 – The changes made in Section 7 of the bill apply only to an order reinstating parental rights that is rendered on or after the effective date of this Act. An order rendered before that date is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

Section 31 – The changes made in Section 8 of the bill apply only to a case referred to a IV-D associate judge on or after the effective date of this Act. A case referred to an IV-D associate judge before that date is governed by the law in effect on the date the case was referred, and the former law is continued in effect for that purpose.

Section 32 – The change made in Section 10 of the bill apply only to a suit filed on or after the effective date of this Act.

Section 33 – The changes made in Section 11 of the bill apply only to a child support payment received by the IV-D agency on or after the effective date of this Act. A payment received before that date is governed by the law in effect on the date the payment was received, and the former law is continued in effect for that purpose.

Section 34 – The changes made in Sections 9 and 12 of the bill apply to a child support order regardless of whether the order was rendered before, on, or after the effective date of this Act. The changes also constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the effective date of this Act.

Section 35 – The changes in Section 16 of the bill apply to a child support review order issued by the IV-D agency on or after the effective date of this Act, regardless of whether the original child support order was rendered before, on, or after that date.

Section 36 – The changes made in Section 17 of the bill apply only an agreed child support review order filed on or after the effective date of this Act. An agreed child support review order filed before that date is governed by the law in effect on the date the order was filed, and the former law is continued in effect for that purpose.

Section 37 – The changes made in Section 19 of the bill apply only to the admissibility of evidence in a proceeding commenced on or after the effective date of this Act. The admissibility of evidence in a proceeding the commences before the effective date of this act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

Section 38 – The changes made in Sections 2 and 20 of the bill apply to a child support or maintenance payment made on or after the effective date of this Act regardless of whether the order for child support or maintenance was rendered before, on, or after that date.

Section 39 – The change made in Sections 21, 22, and 25 of the bill apply only to a request for information that is received by a governmental body or an officer on or after the effective date of this Act. A request for information received before that date is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

Section 40 – The changes made in Section 24 of the bill apply only to a disclaimer made on or after the effective date of this Act. A disclaimer made before that date is governed by the law in effect at the time the disclaimer was made, and the former law is continued in effect for that purpose.

Section 41 – This Act takes effect September 1, 2023.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 870 amends current law relating to certain Title IV-D cases and other cases with respect to child support or Title IV-D agency services and to practices and procedures for the operation of the Title IV-D agency.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Office of the Attorney General in SECTION 12 (Sections 231.1015 and 231.1016, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 355.102(e), Estates Code, as follows:

(e) Provides that Class 4 claims are composed of claims:

(1) for the principal amount of and accrued interest on delinquent child support and child support arrearages that have been:

(A) makes no changes to this paragraph; or

(B) administratively determined as evidenced by a certified child support payment record produced by the Title IV-D agency (Office of the Attorney General (OAG)), as defined by Section 101.033 (Title IV-D Agency), Family Code, in a Title IV-D case, as defined by Section 101.034 (Title IV-D Case), Family Code; and

(2) makes no changes to this subdivision.

SECTION 2. Amends Section 154.004, Family Code, by amending Subsections (a) and (b), as follows:

(a) Requires the court to order the payment of child support, medical support, and dental support to the state disbursement unit as provided by Chapter 234 (State Case Registry, Disbursement Unit, and Directory of New Hires).

(b) Requires the court or the Title IV-D agency, in a Title IV-D case, to order that income withheld for child support, medical support, and dental support be paid to the state disbursement unit of this state or, if appropriate, to the state disbursement unit of another state.

SECTION 3. Amends Subchapter A, Chapter 154, Family Code, by adding Section 154.017, as follows:

Sec. 154.017. EMPLOYMENT SERVICES-RELATED ORDERS FOR UNEMPLOYED AND UNDEREMPLOYED OBLIGORS. (a) Authorizes a court or Title IV-D agency, when establishing, modifying, or enforcing a child support obligation, to render an order requiring an unemployed or underemployed obligor to:

(1) enroll and participate fully in a program available in the obligor's community that provides employment assistance, skills training, or job placement services; or

(2) work, have a plan to pay child support, or participate in work activities appropriate to pay the support obligation.

(b) Provides that an order rendered under this section is enforceable as provided by Chapter 157 (Enforcement).

SECTION 4. Amends Section 156.401(b), Family Code, to create exceptions under Sections 231.1015, 231.1016, and 231.1017.

SECTION 5. Amends Section 157.321, Family Code, as follows:

Sec. 157.321. DISCRETIONARY RELEASE OF LIEN. (a) Creates this subsection from existing text.

(b) Provides that a release of child support lien filed by the Title IV-D agency under this section does not require verification.

SECTION 6. Amends Section 157.322, Family Code, by adding Subsection (c), to provide that a release of child support lien filed by the Title IV-D agency under Section 157.322 (Mandatory Release of Lien) does not require verification.

SECTION 7. Amends Section 161.304, Family Code, by adding Subsection (c-1), to require the clerk of the court to provide a copy of an order rendered under Subsection (c) (relating to requiring the court to enter the court's findings in a written order) to the Title IV-D agency.

SECTION 8. Amends Subchapter B, Chapter 201, Family Code, by adding Section 201.1045, as follows:

Sec. 201.1045. PROCEEDINGS AND JUDICIAL ACTIONS BY REMOTE COMMUNICATION. (a) Defines "remote communication."

(b) Authorizes an associate judge appointed under Subchapter B (Associate Judge for Title IV-D Cases) to conduct a proceeding or perform a judicial action authorized under Section 201.104 (Powers of Associate Judge) from any location in this state using remote communication unless a party files a written objection and except as provided by Subsection (d).

(c) Authorizes an associate judge appointed under this subchapter to require or authorize a party to participate in a proceeding authorized under Section 201.104 using a method of remote communication available to the party, except as provided by Subsection (d).

(d) Entitles a respondent to appear in person at a final hearing that may result in a finding of contempt or revocation of the respondent's community supervision under Chapter 157. Authorizes the respondent to waive the right to appear in person at the hearing in writing or on the record. Requires the associate judge to also appear at the hearing in person unless the respondent waives that right.

SECTION 9. Amends Section 231.002(e), Family Code, as follows:

(e) Authorizes the Title IV-D agency to take the following administrative actions with respect to the location of a parent, the determination of parentage, and the establishment, modification, and enforcement of child support, medical support, and dental support orders required by 42 U.S.C. Section 666(c), without obtaining an order from any other judicial or administrative tribunal:

(1)-(2) makes no changes to these subdivisions;

(3)-(4) makes nonsubstantive changes to these subdivisions; and

(5) adjust the support obligations of an incarcerated obligor, as provided by Sections 231.1015, 231.1016, and 231.1017.

SECTION 10. Amends Subchapter A, Chapter 231, Family Code, by adding Section 231.016, as follows:

Sec. 231.016. DISMISSAL OF CERTAIN CLAIMS AGAINST TITLE IV-D AGENCY OR TITLE IV-D AGENCY EMPLOYEE. Authorizes a court to dismiss a cause of action asserted in a suit filed against the Title IV-D agency or an employee of the Title IV-D agency pertaining to the powers or duties of, or services provided by, the Title IV-D agency under Subtitle D (Administrative Services) if the court determines the asserted cause of action:

(1) is frivolous or malicious;

(2) fails to state a claim on which relief is authorized to be granted; or

(3) seeks monetary relief from the agency or employee for which immunity applies.

SECTION 11. Amends Section 231.101, Family Code, by adding Subsection (f), to require the Title IV-D agency to distribute a child support payment received on behalf of a child placed in substitute care as described by Section 264.109 (Assignment of Support Rights in Substitute Care Cases) to the appropriate state agency in accordance with applicable federal laws or regulations.

SECTION 12. Amends Subchapter B, Chapter 231, Family Code, by adding Sections 231.1015, 231.1016, and 231.1017, as follows:

Sec. 231.1015. ADMINISTRATIVE ADJUSTMENT OF SUPPORT OBLIGATIONS DURING OBLIGOR'S INCARCERATION. (a) Requires the Title IV-D agency, subject to Subsection (b), on verification by the Title IV-D agency that a judgment or order has been rendered for the confinement of a child support obligor in a local, state, or federal jail or prison for a period of at least 180 consecutive days, to review and administratively adjust the obligor's child support, medical support, and dental support order to amounts that are based on the application of the child support guidelines under Chapter 154 (Child Support) to the obligor's net resources during incarceration.

(b) Provides that this section does not apply if the Title IV-D agency determines that the obligor is confined:

(1) due to the obligor's failure to comply with a child support order; or

(2) for an offense constituting an act of family violence, as defined by Section 71.004 (Family Violence), committed against the obligee or a child covered by the child support order.

(c) Requires the Title IV-D agency, if the agency administratively adjusts a support obligation under Subsection (a), to:

(1) provide notice of the administrative adjustment to the parties to the support order; and

(2) file a copy of the notice with the court of continuing, exclusive jurisdiction.

(d) Requires that the notice provided under Subsection (c) state:

(1) the amount of the obligor's adjusted support obligation during incarceration;

(2) the effective date of the administrative adjustment of the support obligation; and

(3) the style and cause number of the case in which the support order was rendered.

(e) Authorizes the Title IV-D agency, notwithstanding Subsection (a), to seek modification of the support order under Subchapter E (Modification of Child Support), Chapter 156, in lieu of administratively adjusting the support obligation under this section.

(f) Prohibits the administrative adjustment of a support obligation under this section from taking effect before the 30th day after the date a copy of the notice is filed with the court of continuing, exclusive jurisdiction under Subsection (c)(2).

(g) Provides that the administrative adjustment of a support obligation under this section does not affect a support obligation due before the effective date of the administrative adjustment.

(h) Authorizes the Title IV-D agency to adopt rules to implement this section.

Sec. 231.1016. REVIEW OF ADMINISTRATIVE ADJUSTMENT OF SUPPORT OBLIGATIONS. (a) Authorizes a party to the support order to contest the administrative adjustment by requesting that the Title IV-D agency review the agency's decision to grant the administrative adjustment not later than the 30th day after receiving notice of an administrative adjustment of a support obligation under Section 231.1015.

(b) Requires the Title IV-D agency to file an administrative adjustment order with the court of continuing, exclusive jurisdiction if a party to the support order does not request the Title IV-D agency to review the administrative adjustment within the time prescribed by Subsection (a). Requires that the order contain a signed statement from the Title IV-D agency that neither party to the order requested an administrative review within the time required by Subsection (a) and state the amount of the obligor's adjusted support obligation during incarceration and the effective date of the administrative adjustment. Requires the court to sign the order not later than the seventh day after the date the order is filed. Provides that on expiration of the seventh day after the date the order is filed, the order is considered confirmed by the court by operation of law, regardless of whether the court has signed the order.

(c) Requires the Title IV-D, on request by a party under Subsection (a), to:

(1) review the administrative adjustment of the support obligation to determine whether:

(A) the exceptions under Section 231.1015(b) apply; and

(B) the administrative adjustment accurately reflects the obligor's net resources during incarceration; and

(2) provide an opportunity for review with the parties in person or by telephone, as appropriate.

(d) Requires the Title IV-D agency, after conducting a review under Subsection (c), to:

(1) affirm the administrative adjustment of the support obligation by issuing a notice of determination to the parties regarding the agency's decision to affirm the administrative adjustment; or

(2) withdraw the administrative adjustment of the support obligation by filing a notice with the court of continuing, exclusive jurisdiction withdrawing the administrative adjustment and issuing a notice of determination to the parties regarding the agency's decision to withdraw the administrative adjustment.

(e) Authorizes a party to file a motion requesting a hearing with the court of continuing, exclusive jurisdiction to contest the Title IV-D agency's administrative adjustment of the support obligation not later than the 30th day after the party receives notice under Subsection (d)(1). Provides that the administrative adjustment remains in effect until:

(1) the agency files a notice with the court of continuing, exclusive jurisdiction withdrawing the administrative adjustment; or

(2) the court renders an order regarding the administrative adjustment.

(f) Requires the Title IV-D agency to file an administrative adjustment order with the court of continuing, exclusive jurisdiction and to attach to the order a copy of the notice of determination issued under Subsection (d)(1) if a party to a support order does not file a motion requesting a hearing with the court of continuing, exclusive jurisdiction within the time prescribed by Subsection (e). Requires that the order state the amount of the obligor's adjusted support obligation during incarceration and the effective date of the administrative adjustment. Requires the court to sign the order not later than the seventh day after the date the order is filed. Provides that on expiration of the seventh day after the date the order is filed, the order is considered confirmed by the court by operation of law, regardless of whether the court has signed the order.

(g) Authorizes the Title IV-D agency to adopt rules to implement this section.

Sec. 231.1017. MODIFICATION OF SUPPORT OBLIGATION AFTER OBLIGOR'S RELEASE FROM INCARCERATION. Requires the Title IV-D agency to review an obligor's support order as provided by Section 231.101 (Title IV-D Child Support Services) to determine if modification is necessary and may proceed under Chapter 156 (Modification) or 233 (Child Support Review Process to Establish or Enforce Support Obligations) in a Title IV-D case, on the release of the obligor whose support obligations were administratively adjusted during incarceration under Section 231.1015.

SECTION 13. Amends Section 231.108, Family Code, by adding Subsection (h), to prohibit a court from ordering the Title IV-D agency to release information that is confidential or privileged under Section 231.108 (Confidentiality of Records and Privileged Communications).

SECTION 14. Amends the heading to Section 231.117, Family Code, to read as follows:

Sec. 231.117. EMPLOYMENT SERVICES-RELATED REFERRALS FOR UNEMPLOYED AND UNDEREMPLOYED OBLIGORS.

SECTION 15. Amends Section 231.117(a), Family Code, as follows:

(a) Provides that the Title IV-D agency:

(1) creates this subdivision from existing text; and

(2) is authorized to make the referral described by Subdivision (1) for any unemployed or underemployed obligor who is not in arrears.

SECTION 16. Amends Chapter 233, Family Code, by adding Section 233.0155, as follows:

Sec. 233.0155. ISSUANCE AND ENFORCEMENT OF CHILD SUPPORT REVIEW ORDER CONTAINING DETERMINATION OF ARREARAGES; TIME LIMITATION NOT APPLICABLE. Provides that the Title IV-D agency's authority to issue and enforce a child support review order containing a determination of arrearages is not subject to the time limitation prescribed by Section 157.005(b) (relating to the court's jurisdiction to confirm the total amount of child support arrearages) on the court's jurisdiction to confirm the amount of and render cumulative money judgments for arrearages.

SECTION 17. Amends Section 233.018(e), Family Code, as follows:

(e) Requires the address, rather than mailing address, of the party, notwithstanding Subsection (a)(2) (relating to requiring the order to contain as to each party the mailing address of the party) or Section 132.001(d) (relating to setting forth language for an unsworn declaration), Civil Practice and Remedies Code, to be omitted from the child support review order and any waiver signed under Section 233.018 (Additional Contents of Agreed Child Support Review Order) if certain criteria are met.

SECTION 18. Amends Section 233.020(a), Family Code, as follows:

(a) Provides that a petition for confirmation of a child support review order not agreed to by the parties:

(1) makes no changes to this subdivision; and

(2) is authorized to include a waiver of service executed under Section 233.018, rather than Section 233.018(b) (relating to authorizing parties to sign a waiver of service to appear in court), and an agreement to appear in court for a hearing.

SECTION 19. Amends Section 234.001(d), Family Code, as follows:

(d) Provides that a certified child support payment record produced by the Title IV-D agency or state disbursement unit is admissible as evidence of the truth of the information contained in the record and does not require further authentication or verification.

SECTION 20. Amends Subchapter A, Chapter 234, Family Code, by adding Sections 234.0015 and 234.013, as follows:

Sec. 234.0015. CHILD SUPPORT PAYMENTS. Provides that a child support payment includes child support, medical support, and dental support ordered under Chapter 154 for purposes of services provided by the state disbursement unit under Subchapter A (Unified State Case Registry and Disbursement Unit).

Sec. 234.013. APPLICABILITY TO CERTAIN MAINTENANCE PAYMENTS. Requires the state disbursement unit to administer maintenance payments ordered under Section 8.062 (Place of Payment) in the same manner as child support payments under this subchapter.

SECTION 21. Amends Section 552.117(a), Government Code, as follows:

(a) Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1)-(6) makes no changes to these subdivisions;

(7) a current or former employee of OAG who is or was assigned to a division of OAG the duties of which involve law enforcement or are performed under Chapter 231 (Title IV-D Services), Family Code, regardless of whether the current or former employee complies with Section 552.024 (Electing to Disclose Address and Telephone Number) or 552.1175 (Exception: Confidentiality of Certain Personal Identifying Information of Peace Officers and Other Officials Performing Sensitive Governmental Functions); or

(8)-(19) makes no changes to these subdivisions.

SECTION 22. Amends Section 552.1175(a), Government Code, as follows:

(a) Provides that this section applies only to:

(1)-(8) makes no changes these subdivisions;

(9) current and former employees of OAG who are or were assigned to a division of OAG the duties of which involve law enforcement or are performed under Chapter 231, Family Code; and

(10)-(19) makes no changes to these subdivisions.

SECTION 23. Amends Section 12.0011(d), Property Code, as follows:

(d) Provides that Section 12.0011 (Instruments Concerning Property: Original Signature Required for Certain Instruments) does not apply to a child support lien notice or release of child support lien issued by the Title IV-D agency under Chapter 157, Family Code.

SECTION 24. Amends Section 240.151, Property Code, by amending Subsections (g) and (h) and adding Subsection (i), as follows:

(g) Provides that a disclaimer by a child support obligor is barred as to disclaimed property that could be applied to satisfy the disclaimant's child support obligations if those obligations have been:

(1) administratively determined as evidenced by a certified child support payment record produced by the Title IV-D agency in a Title IV-D case, rather than administratively determined by the Title IV-D agency as defined by Section 101.033, Family Code, in a Title IV-D case as defined by Section 101.034, Family Code; or

(2) makes no changes to this subdivision.

(h) Authorizes the child support obligee to whom child support arrearages are owed or the Title IV-D agency to enforce the child support obligation against the disclaimant as to disclaimed property by a lien or by any other remedy provided by law if Subsection (g) applies.

(i) Defines "Title IV-D agency" and "Title IV-D case."

SECTION 25. Amends Section 25.025(a), Tax Code, as follows:

(a) Provides that Section 25.025 (Confidentiality of Certain Home Address Information) applies only to:

(1)-(15) makes no changes to these subdivisions;

(16) a current or former employee of OAG who is or was assigned to a division of OAG the duties of which involve law enforcement or are performed under Chapter 231, Family Code; and

(17)-(26) makes no changes to these subdivisions.

SECTION 26. Repealer: Section 231.117(d) (relating to authorizing a court or the Title IV-D agency to issue an order to a parent to meet certain conditions for payment of child support), Family Code.

SECTION 27. Makes application of Section 355.102(e), Estates Code, as amended by this Act, prospective.

SECTION 28. Provides that the changes in law made by Section 154.017, Family Code, as added by this Act, and Section 231.117, Family Code, as amended by this Act, do not constitute a material and substantial change of circumstances under Section 156.401 (Grounds for Modification of Child Support), Family Code, sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the effective date of this Act.

SECTION 29. Makes application of Section 157.321, Family Code, as amended by this Act, Section 157.322(c), Family Code, as added by this Act, and Section 12.0011(d), Property Code, as amended by this Act, prospective.

SECTION 30. Makes application of Section 161.304(c-1), Family Code, as added by this Act, prospective.

SECTION 31. Makes application of Section 201.1045, Family Code, as added by this Act, prospective.

SECTION 32. Makes application of Section 231.016, Family Code, as added by this Act, prospective.

SECTION 33. Makes application of Section 231.101(f), Family Code, as added by this Act, prospective.

SECTION 34. (a) Provides that the changes in law made by Section 231.002(e), Family Code, as amended by this Act, and Sections 231.1015, 231.1016, and 231.1017, Family Code, as added by this Act, apply to a child support order regardless of whether the order was rendered before, on, or after the effective date of this Act.

(b) Provides that the change in law made by this Act described by Subsection (a) of this section constitutes a material and substantial change of circumstances under Section 156.401, Family Code, sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the effective date of this Act.

SECTION 35. Provides that the change in law made by Section 233.0155, Family Code, as added by this Act, applies to a child support review order issued by the Title IV-D agency on or after the effective date of this Act regardless of whether the original child support order was rendered before, on, or after that date.

SECTION 36. Makes application of Section 233.018(e), Family Code, as amended by this Act, prospective.

SECTION 37. Makes application of Section 234.001(d), Family Code, as amended by this Act, prospective.

SECTION 38. Provides that the changes in law made by Section 154.004 (Place of Payment), Family Code, as amended by this Act, and Sections 234.0015 and 234.013, Family Code, as added by this Act, apply to a child support or maintenance payment made on or after the effective date of this Act regardless of whether the order for child support or maintenance was rendered before, on, or after the effective date of this Act.

SECTION 39. Makes application of Sections 552.117(a) and 552.1175(a), Government Code, and Section 25.025(a), Tax Code, as amended by this Act, prospective.

SECTION 40. Makes application of Section 240.151 (When Disclaimer Barred or Limited), Property Code, as amended by this Act, prospective.

SECTION 41. Effective date: September 1, 2023.