By:  West S.B. No. 869

(In the Senate - Filed February 13, 2023; March 1, 2023, read first time and referred to Committee on Jurisprudence; March 27, 2023, reported favorably by the following vote: Yeas 5, Nays 0; March 27, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hughes            X

Johnson              X

Creighton            X

Hinojosa             X

Middleton            X

A BILL TO BE ENTITLED

AN ACT

relating to suits affecting the parent-child relationship, including the payment and enforcement of support ordered in a suit affecting the parent-child relationship.

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

SECTION 1.  Section 122.201, Estates Code, is amended to read as follows:

Sec. 122.201.  ASSIGNMENT; WHEN ASSIGNMENT BARRED OR LIMITED. (a) Except as provided by Subsection (b), a [~~A~~] person who is entitled to receive property or an interest in property from a decedent under a will, by inheritance, or as a beneficiary under a life insurance contract, and does not disclaim the property under Chapter 240, Property Code, may assign the property or interest in property to any person.

(b)  An assignment of property or an interest in property under Subsection (a) by a child support obligor is barred to the extent the assigned property or interest in property could be applied to satisfy a support obligation of the obligor that has been:

(1)  administratively determined as evidence by a certified child support payment record produced by the Title IV-D agency in a Title IV-D case; or

(2)  confirmed and reduced to judgment as provided by Section 157.263, Family Code.

(c)  In this section:

(1)  "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.

(2)  "Title IV-D case" has the meaning assigned by Section 101.034, Family Code.

SECTION 2.  Section 102.0091(b), Family Code, is amended to read as follows:

(b)  The party executing the waiver may [~~not~~] sign the waiver using a digitized signature.

SECTION 3.  Sections 105.006(a), (e), and (f), Family Code, are amended to read as follows:

(a)  A final order, other than in a proceeding under Chapter 161 or 162, must contain:

(1)  the social security number and driver's license number of each party to the suit, including the child, except that the child's social security number or driver's license number is not required if the child has not been assigned a social security number or driver's license number; and

(2)  each party's current residence address, mailing address, e-mail address, home telephone number, name of employer, address of employment, and work telephone number, except as provided by Subsection (c).

(e)  Except as provided by Subsection (c), an order in a suit that orders child support or possession of or access to a child must also contain the following prominently displayed statement in boldfaced type, capital letters, or underlined:

"EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, E-MAIL ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE."

"THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD."

"FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS."

(f)  Except for an action in which contempt is sought, in any subsequent child support enforcement action, the court may, on a showing that diligent effort has been made to determine the location of a party, consider due process requirements for notice and service of process to be met with respect to that party on delivery of written notice to the most recent residence address, e-mail address, [~~residential~~] or [~~employer~~] address of employment filed by that party with the court and the state case registry.

SECTION 4.  Section 105.007(a), Family Code, is amended to read as follows:

(a)  A party shall comply with the order by giving written notice to each other party of an intended change in the party's current residence address, mailing address, e-mail address, home telephone number, name of employer, address of employment, and work telephone number.

SECTION 5.  Section 154.132, Family Code, is amended to read as follows:

Sec. 154.132.  APPLICATION OF GUIDELINES TO CHILDREN OF CERTAIN DISABLED OBLIGORS. (a) In applying the child support guidelines for an obligor who has a disability and who is required to pay support for a child who receives periodic benefits as a result of the obligor's disability, the court shall apply the guidelines by determining the amount of child support that would be ordered under the child support guidelines and subtracting from that total the amount of benefits or the value of the benefits paid to or for the child as a result of the obligor's disability.

(b)  If a child for whom the obligor owes child support receives a lump-sum payment as a result of the obligor's disability and that payment is made to the obligee as the representative payee of the child, the credit for the lump-sum payment must be applied as provided by Section 157.009.

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

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

(1)  the child becomes an adult; or

(2)  on which the child support obligation terminates under the child support order or by operation of law.

SECTION 7.  Section 157.009, Family Code, is amended to read as follows:

Sec. 157.009.  CREDIT FOR PAYMENT OF DISABILITY BENEFITS. In addition to any other credit or offset available to an obligor under this title, if a child for whom the obligor owes child support receives a lump-sum payment as a result of the obligor's disability and that payment is made to the obligee as the representative payee of the child, the obligor is entitled to a credit. The credit under this section is equal to the amount of the lump-sum payment and shall be applied only to any child support arrearage and interest owed by the obligor on behalf of that child at the time the payment is made. The credit under this section may not be used to reduce the amount of a periodic child support obligation ordered under Chapter 154 that has not yet accrued.

SECTION 8.  Sections 157.263(a) and (b-3), Family Code, are amended to read as follows:

(a)  If a motion [~~for enforcement of child support~~] requests a money judgment for child support, medical support, or dental support arrearages, the court shall confirm the amount of arrearages and render cumulative money judgments as follows:

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

(2)  a cumulative money judgment for the amount of medical support owed under Subsection (b-1); and

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

(b-3)  In rendering a money judgment under this title that includes child support, medical support, or dental support arrearages [~~section~~], the court may not reduce or modify the amount of [~~child support, medical support, or dental support~~] arrearages but, in confirming the amount of arrearages, may allow a counterclaim or offset as provided by this title.

SECTION 9.  Section 157.318(a), Family Code, is amended to read as follows:

(a)  A [~~Subject to Subsection (d), a~~] lien is effective until all current support and child support arrearages, including interest, any costs and reasonable attorney's fees, and any Title IV-D service fees authorized under Section 231.103 for which the obligor is responsible, have been paid or the lien is otherwise released as provided by this subchapter.

SECTION 10.  Section 160.604(c), Family Code, is amended to read as follows:

(c)  If the court lacks [~~Lack of~~] jurisdiction over one individual, [~~does not preclude~~] the court:

(1)  is not precluded from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction; and

(2)  may not delay the adjudication described by Subdivision (1) solely due to the lack of jurisdiction.

SECTION 11.  Section 157.318(d), Family Code, is repealed.

SECTION 12.  The change in law made by this Act to Section 102.0091(b), Family Code, applies to a waiver of citation executed in a suit affecting the parent-child relationship on or after the effective date of this Act, regardless of whether the suit was filed before, on, or after that date.

SECTION 13.  The changes in law made by this Act to Sections 105.006 and 105.007(a), Family Code, apply only to a suit affecting the parent-child relationship that is filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 14.  The changes in law made by this Act to Sections 154.132 and 157.009, Family Code, apply only to a lump-sum payment received by a child support obligee as a representative payee of a child on or after the effective date of this Act. A lump-sum 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 15.  The changes in law made by this Act to Sections 157.005(b) and 157.263, Family Code, apply only to a motion requesting a money judgment for child support, medical support, or dental support arrearages that is filed on or after the effective date of this Act. A motion requesting a money judgment for child support, medical support, or dental support arrearages filed before that date is governed by the law in effect on the date the motion was filed, and the former law is continued in effect for that purpose.

SECTION 16.  (a) Subject to Subsection (b) of this section, the change in law made by this Act to Section 157.318(a), Family Code, applies to a child support lien on real property regardless of whether the lien notice was filed before, on, or after the effective date of this Act.

(b)  A lien for which the 10th anniversary of the date on which the last lien notice was filed with the county clerk occurred before the effective date of this Act may be renewed on or after the effective date of this Act in the same manner and with the same effect on priority over other liens as provided by Section 157.318(d), Family Code, as that section existed immediately before the effective date of this Act. Once the lien is renewed in accordance with this subsection, the lien continues in effect in accordance with Section 157.318, Family Code, as amended by this Act.

SECTION 17.  The change in law made by this Act to Section 160.604(c), Family Code, applies to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or that is filed on or after that date.

SECTION 18.  This Act takes effect September 1, 2023.

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