

By: West
(Smithee)

S.B. No. 869

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 INEFFECTIVE 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 does not take effect
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.

1 (c) In this section:

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

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

6 (d) If Subsection (b) applies, the child support obligee to
7 whom child support arrearages are owed may enforce the child
8 support obligation against the obligor as to the assigned property
9 or interest in property by a lien or by any other remedy provided by
10 law.

11 (e) Unless the personal representative of a decedent's
12 estate has actual notice of a claim that an assignment of property
13 or an interest in property under Subsection (a) does not take effect
14 under Subsection (b), the personal representative is not liable for
15 transferring property pursuant to such assignment.

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

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

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

22 (a) A final order, other than in a proceeding under Chapter
23 161 or 162, must contain:

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

1 or driver's license number; and

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

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

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

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

26 "FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE
27 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE

1 CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION
2 TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF
3 CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX
4 MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY
5 JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS."

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

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

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

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

23 Sec. 154.132. APPLICATION OF GUIDELINES TO CHILDREN OF
24 CERTAIN DISABLED OBLIGORS. (a) In applying the child support
25 guidelines for an obligor who has a disability and who is required
26 to pay support for a child who receives periodic benefits as a
27 result of the obligor's disability, the court shall apply the

1 guidelines by determining the amount of child support that would be
2 ordered under the child support guidelines and subtracting from
3 that total the amount of benefits or the value of the benefits paid
4 to or for the child as a result of the obligor's disability.

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

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

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

- 19 (1) the child becomes an adult; or
20 (2) on which the child support obligation terminates
21 under the child support order or by operation of law.

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

24 Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS.
25 In addition to any other credit or offset available to an obligor
26 under this title, if a child for whom the obligor owes child support
27 receives a lump-sum payment as a result of the obligor's disability

1 and that payment is made to the obligee as the representative payee
2 of the child, the obligor is entitled to a credit. The credit under
3 this section is equal to the amount of the lump-sum payment and
4 shall be applied only to any child support arrearage and interest
5 owed by the obligor on behalf of that child at the time the payment
6 is made. The credit under this section may not be used to reduce the
7 amount of a periodic child support obligation ordered under Chapter
8 154 that has not yet accrued.

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

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

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

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

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

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

27 SECTION 9. Section 157.318(a), Family Code, is amended to

1 read as follows:

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

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

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

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

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

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

18 SECTION 12. The change in law made by this Act to Section
19 102.0091(b), Family Code, applies to a waiver of citation executed
20 in a suit affecting the parent-child relationship on or after the
21 effective date of this Act, regardless of whether the suit was filed
22 before, on, or after that date.

23 SECTION 13. The changes in law made by this Act to Sections
24 105.006 and 105.007(a), Family Code, apply only to a suit affecting
25 the parent-child relationship that is filed on or after the
26 effective date of this Act. A suit affecting the parent-child
27 relationship filed before the effective date of this Act is

1 governed by the law in effect on the date the suit was filed, and the
2 former law is continued in effect for that purpose.

3 SECTION 14. The changes in law made by this Act to Sections
4 154.132 and 157.009, Family Code, apply only to a lump-sum payment
5 received by a child support obligee as a representative payee of a
6 child on or after the effective date of this Act. A lump-sum
7 payment received before that date is governed by the law in effect
8 on the date the payment was received, and the former law is
9 continued in effect for that purpose.

10 SECTION 15. The changes in law made by this Act to Sections
11 157.005(b) and 157.263, Family Code, apply only to a motion
12 requesting a money judgment for child support, medical support, or
13 dental support arrearages that is filed on or after the effective
14 date of this Act. A motion requesting a money judgment for child
15 support, medical support, or dental support arrearages filed before
16 that date is governed by the law in effect on the date the motion was
17 filed, and the former law is continued in effect for that purpose.

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

23 (b) A lien for which the 10th anniversary of the date on
24 which the last lien notice was filed with the county clerk occurred
25 before the effective date of this Act may be renewed on or after the
26 effective date of this Act in the same manner and with the same
27 effect on priority over other liens as provided by Section

1 157.318(d), Family Code, as that section existed immediately before
2 the effective date of this Act. Once the lien is renewed in
3 accordance with this subsection, the lien continues in effect in
4 accordance with Section 157.318, Family Code, as amended by this
5 Act.

6 SECTION 17. The change in law made by this Act to Section
7 160.604(c), Family Code, applies to a suit affecting the
8 parent-child relationship that is pending in a trial court on the
9 effective date of this Act or that is filed on or after that date.

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