

By: West

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 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.

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

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

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

12 (a) A final order, other than in a proceeding under Chapter
13 161 or 162, must contain:

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

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

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

27 "EVERY PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY

1 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY
2 CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS,
3 E-MAIL ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF
4 EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER.
5 THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF
6 THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE
7 STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED
8 CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE
9 CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS
10 ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY
11 AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE."

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

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

23 (f) Except for an action in which contempt is sought, in any
24 subsequent child support enforcement action, the court may, on a
25 showing that diligent effort has been made to determine the
26 location of a party, consider due process requirements for notice
27 and service of process to be met with respect to that party on

1 delivery of written notice to the most recent residence address,
2 e-mail address, [~~residential~~] or [~~employer~~] address of employment
3 filed by that party with the court and the state case registry.

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

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

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

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

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

27 SECTION 6. Section 157.005(b), Family Code, is amended to

1 read as follows:

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

9 (1) the child becomes an adult; or

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

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

14 Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS.
15 In addition to any other credit or offset available to an obligor
16 under this title, if a child for whom the obligor owes child support
17 receives a lump-sum payment as a result of the obligor's disability
18 and that payment is made to the obligee as the representative payee
19 of the child, the obligor is entitled to a credit. The credit under
20 this section is equal to the amount of the lump-sum payment and
21 shall be applied only to any child support arrearage and interest
22 owed by the obligor on behalf of that child at the time the payment
23 is made. The credit under this section may not be used to reduce the
24 amount of a periodic child support obligation ordered under Chapter
25 154 that has not yet accrued.

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

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

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

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

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

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

17 SECTION 9. Section [157.318](#)(a), Family Code, is amended to
18 read as follows:

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

25 SECTION 10. Section [160.604](#)(c), Family Code, is amended to
26 read as follows:

27 (c) If the court lacks [~~Lack of~~] jurisdiction over one

1 individual, ~~[does not preclude]~~ the court:

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

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

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

8 SECTION 12. The change in law made by this Act to Section
9 102.0091(b), Family Code, applies to a waiver of citation executed
10 in a suit affecting the parent-child relationship on or after the
11 effective date of this Act, regardless of whether the suit was filed
12 before, on, or after that date.

13 SECTION 13. The changes in law made by this Act to Sections
14 105.006 and 105.007(a), Family Code, apply only to a suit affecting
15 the parent-child relationship that is filed on or after the
16 effective date of this Act. A suit affecting the parent-child
17 relationship filed before the effective date of this Act is
18 governed by the law in effect on the date the suit was filed, and the
19 former law is continued in effect for that purpose.

20 SECTION 14. The changes in law made by this Act to Sections
21 154.132 and 157.009, Family Code, apply only to a lump-sum payment
22 received by a child support obligee as a representative payee of a
23 child on or after the effective date of this Act. A lump-sum
24 payment received before that date is governed by the law in effect
25 on the date the payment was received, and the former law is
26 continued in effect for that purpose.

27 SECTION 15. The changes in law made by this Act to Sections

1 157.005(b) and 157.263, Family Code, apply only to a motion
2 requesting a money judgment for child support, medical support, or
3 dental support arrearages that is filed on or after the effective
4 date of this Act. A motion requesting a money judgment for child
5 support, medical support, or dental support arrearages filed before
6 that date is governed by the law in effect on the date the motion was
7 filed, and the former law is continued in effect for that purpose.

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

13 (b) A lien for which the 10th anniversary of the date on
14 which the last lien notice was filed with the county clerk occurred
15 before the effective date of this Act may be renewed on or after the
16 effective date of this Act in the same manner and with the same
17 effect on priority over other liens as provided by Section
18 157.318(d), Family Code, as that section existed immediately before
19 the effective date of this Act. Once the lien is renewed in
20 accordance with this subsection, the lien continues in effect in
21 accordance with Section 157.318, Family Code, as amended by this
22 Act.

23 SECTION 17. The change in law made by this Act to Section
24 160.604(c), Family Code, applies to a suit affecting the
25 parent-child relationship that is pending in a trial court on the
26 effective date of this Act or that is filed on or after that date.

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