

1-1 By: West S.B. No. 869
1-2 (In the Senate - Filed February 13, 2023; March 1, 2023,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 27, 2023, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 27, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to suits affecting the parent-child relationship,
1-16 including the payment and enforcement of support ordered in a suit
1-17 affecting the parent-child relationship.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 122.201, Estates Code, is amended to
1-20 read as follows:

1-21 Sec. 122.201. ASSIGNMENT; WHEN ASSIGNMENT BARRED OR
1-22 LIMITED. (a) Except as provided by Subsection (b), a [A] person
1-23 who is entitled to receive property or an interest in property from
1-24 a decedent under a will, by inheritance, or as a beneficiary under a
1-25 life insurance contract, and does not disclaim the property under
1-26 Chapter 240, Property Code, may assign the property or interest in
1-27 property to any person.

1-28 (b) An assignment of property or an interest in property
1-29 under Subsection (a) by a child support obligor is barred to the
1-30 extent the assigned property or interest in property could be
1-31 applied to satisfy a support obligation of the obligor that has
1-32 been:

1-33 (1) administratively determined as evidence by a
1-34 certified child support payment record produced by the Title IV-D
1-35 agency in a Title IV-D case; or

1-36 (2) confirmed and reduced to judgment as provided by
1-37 Section 157.263, Family Code.

1-38 (c) In this section:

1-39 (1) "Title IV-D agency" has the meaning assigned by
1-40 Section 101.033, Family Code.

1-41 (2) "Title IV-D case" has the meaning assigned by
1-42 Section 101.034, Family Code.

1-43 SECTION 2. Section 102.0091(b), Family Code, is amended to
1-44 read as follows:

1-45 (b) The party executing the waiver may ~~not~~ sign the waiver
1-46 using a digitized signature.

1-47 SECTION 3. Sections 105.006(a), (e), and (f), Family Code,
1-48 are amended to read as follows:

1-49 (a) A final order, other than in a proceeding under Chapter
1-50 161 or 162, must contain:

1-51 (1) the social security number and driver's license
1-52 number of each party to the suit, including the child, except that
1-53 the child's social security number or driver's license number is not
1-54 required if the child has not been assigned a social security number
1-55 or driver's license number; and

1-56 (2) each party's current residence address, mailing
1-57 address, e-mail address, home telephone number, name of employer,
1-58 address of employment, and work telephone number, except as
1-59 provided by Subsection (c).

1-60 (e) Except as provided by Subsection (c), an order in a suit
1-61 that orders child support or possession of or access to a child must

2-1 also contain the following prominently displayed statement in
 2-2 boldfaced type, capital letters, or underlined:

2-3 "EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY
 2-4 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY
 2-5 CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS,
 2-6 E-MAIL ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF
 2-7 EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER.
 2-8 THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF
 2-9 THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE
 2-10 STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED
 2-11 CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE
 2-12 CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS
 2-13 ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY
 2-14 AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE."

2-15 "THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY,
 2-16 THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY
 2-17 PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD
 2-18 SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD."

2-19 "FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE
 2-20 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE
 2-21 CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION
 2-22 TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF
 2-23 CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX
 2-24 MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY
 2-25 JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS."

2-26 (f) Except for an action in which contempt is sought, in any
 2-27 subsequent child support enforcement action, the court may, on a
 2-28 showing that diligent effort has been made to determine the
 2-29 location of a party, consider due process requirements for notice
 2-30 and service of process to be met with respect to that party on
 2-31 delivery of written notice to the most recent residence address,
 2-32 e-mail address, [~~residential~~] or [~~employer~~] address of employment
 2-33 filed by that party with the court and the state case registry.

2-34 SECTION 4. Section 105.007(a), Family Code, is amended to
 2-35 read as follows:

2-36 (a) A party shall comply with the order by giving written
 2-37 notice to each other party of an intended change in the party's
 2-38 current residence address, mailing address, e-mail address, home
 2-39 telephone number, name of employer, address of employment, and work
 2-40 telephone number.

2-41 SECTION 5. Section 154.132, Family Code, is amended to read
 2-42 as follows:

2-43 Sec. 154.132. APPLICATION OF GUIDELINES TO CHILDREN OF
 2-44 CERTAIN DISABLED OBLIGORS. (a) In applying the child support
 2-45 guidelines for an obligor who has a disability and who is required
 2-46 to pay support for a child who receives periodic benefits as a
 2-47 result of the obligor's disability, the court shall apply the
 2-48 guidelines by determining the amount of child support that would be
 2-49 ordered under the child support guidelines and subtracting from
 2-50 that total the amount of benefits or the value of the benefits paid
 2-51 to or for the child as a result of the obligor's disability.

2-52 (b) If a child for whom the obligor owes child support
 2-53 receives a lump-sum payment as a result of the obligor's disability
 2-54 and that payment is made to the obligee as the representative payee
 2-55 of the child, the credit for the lump-sum payment must be applied as
 2-56 provided by Section 157.009.

2-57 SECTION 6. Section 157.005(b), Family Code, is amended to
 2-58 read as follows:

2-59 (b) The court retains jurisdiction to confirm the total
 2-60 amount of child support, medical support, and dental support
 2-61 arrearages and render cumulative money judgments for past-due child
 2-62 support, medical support, and dental support, as provided by
 2-63 Section 157.263, if a motion [~~for enforcement~~] requesting a money
 2-64 judgment is filed not later than the 10th anniversary after the
 2-65 date:

2-66 (1) the child becomes an adult; or

2-67 (2) on which the child support obligation terminates
 2-68 under the child support order or by operation of law.

2-69 SECTION 7. Section 157.009, Family Code, is amended to read

3-1 as follows:

3-2 Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS.
 3-3 In addition to any other credit or offset available to an obligor
 3-4 under this title, if a child for whom the obligor owes child support
 3-5 receives a lump-sum payment as a result of the obligor's disability
 3-6 and that payment is made to the obligee as the representative payee
 3-7 of the child, the obligor is entitled to a credit. The credit under
 3-8 this section is equal to the amount of the lump-sum payment and
 3-9 shall be applied only to any child support arrearage and interest
 3-10 owed by the obligor on behalf of that child at the time the payment
 3-11 is made. The credit under this section may not be used to reduce the
 3-12 amount of a periodic child support obligation ordered under Chapter
 3-13 154 that has not yet accrued.

3-14 SECTION 8. Sections 157.263(a) and (b-3), Family Code, are
 3-15 amended to read as follows:

3-16 (a) If a motion [~~for enforcement of child support~~] requests
 3-17 a money judgment for child support, medical support, or dental
 3-18 support arrearages, the court shall confirm the amount of
 3-19 arrearages and render cumulative money judgments as follows:

3-20 (1) a cumulative money judgment for the amount of
 3-21 child support owed under Subsection (b);

3-22 (2) a cumulative money judgment for the amount of
 3-23 medical support owed under Subsection (b-1); and

3-24 (3) a cumulative money judgment for the amount of
 3-25 dental support owed under Subsection (b-2).

3-26 (b-3) In rendering a money judgment under this title that
 3-27 includes child support, medical support, or dental support
 3-28 arrearages [section], the court may not reduce or modify the amount
 3-29 of [~~child support, medical support, or dental support~~] arrearages
 3-30 but, in confirming the amount of arrearages, may allow a
 3-31 counterclaim or offset as provided by this title.

3-32 SECTION 9. Section 157.318(a), Family Code, is amended to
 3-33 read as follows:

3-34 (a) A [~~Subject to Subsection (d), a~~] lien is effective until
 3-35 all current support and child support arrearages, including
 3-36 interest, any costs and reasonable attorney's fees, and any Title
 3-37 IV-D service fees authorized under Section 231.103 for which the
 3-38 obligor is responsible, have been paid or the lien is otherwise
 3-39 released as provided by this subchapter.

3-40 SECTION 10. Section 160.604(c), Family Code, is amended to
 3-41 read as follows:

3-42 (c) If the court lacks [Lack of] jurisdiction over one
 3-43 individual, [does not preclude] the court:

3-44 (1) is not precluded from making an adjudication of
 3-45 parentage binding on another individual over whom the court has
 3-46 personal jurisdiction; and

3-47 (2) may not delay the adjudication described by
 3-48 Subdivision (1) solely due to the lack of jurisdiction.

3-49 SECTION 11. Section 157.318(d), Family Code, is repealed.

3-50 SECTION 12. The change in law made by this Act to Section
 3-51 102.0091(b), Family Code, applies to a waiver of citation executed
 3-52 in a suit affecting the parent-child relationship on or after the
 3-53 effective date of this Act, regardless of whether the suit was filed
 3-54 before, on, or after that date.

3-55 SECTION 13. The changes in law made by this Act to Sections
 3-56 105.006 and 105.007(a), Family Code, apply only to a suit affecting
 3-57 the parent-child relationship that is filed on or after the
 3-58 effective date of this Act. A suit affecting the parent-child
 3-59 relationship filed before the effective date of this Act is
 3-60 governed by the law in effect on the date the suit was filed, and the
 3-61 former law is continued in effect for that purpose.

3-62 SECTION 14. The changes in law made by this Act to Sections
 3-63 154.132 and 157.009, Family Code, apply only to a lump-sum payment
 3-64 received by a child support obligee as a representative payee of a
 3-65 child on or after the effective date of this Act. A lump-sum
 3-66 payment received before that date is governed by the law in effect
 3-67 on the date the payment was received, and the former law is
 3-68 continued in effect for that purpose.

3-69 SECTION 15. The changes in law made by this Act to Sections

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

4-8 SECTION 16. (a) Subject to Subsection (b) of this section,
4-9 the change in law made by this Act to Section 157.318(a), Family
4-10 Code, applies to a child support lien on real property regardless of
4-11 whether the lien notice was filed before, on, or after the effective
4-12 date of this Act.

4-13 (b) A lien for which the 10th anniversary of the date on
4-14 which the last lien notice was filed with the county clerk occurred
4-15 before the effective date of this Act may be renewed on or after the
4-16 effective date of this Act in the same manner and with the same
4-17 effect on priority over other liens as provided by Section
4-18 157.318(d), Family Code, as that section existed immediately before
4-19 the effective date of this Act. Once the lien is renewed in
4-20 accordance with this subsection, the lien continues in effect in
4-21 accordance with Section 157.318, Family Code, as amended by this
4-22 Act.

4-23 SECTION 17. The change in law made by this Act to Section
4-24 160.604(c), Family Code, applies to a suit affecting the
4-25 parent-child relationship that is pending in a trial court on the
4-26 effective date of this Act or that is filed on or after that date.

4-27 SECTION 18. This Act takes effect September 1, 2023.

4-28

* * * * *