

AN ACT

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.

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

SECTION 1. Section 355.102(e), Estates Code, is amended to read as follows:

(e) 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) confirmed as a judgment or a determination of arrearages by a court under Title 5, Family Code; or

(B) administratively determined as evidenced by a certified child support payment record produced 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; and

(2) for unpaid child support obligations under Section 154.015, Family Code.

SECTION 2. Section 154.004, Family Code, is amended by amending Subsections (a) and (b) to read as follows:

(a) The court shall order the payment of child support, medical support, and dental support to the state disbursement unit as provided by Chapter 234.

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

6 SECTION 3. Subchapter A, Chapter 154, Family Code, is
7 amended by adding Section 154.017 to read as follows:

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

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

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

19 (b) An order rendered under this section is enforceable as
20 provided by Chapter 157.

21 SECTION 4. Section 156.401(b), Family Code, is amended to
22 read as follows:

23 (b) Except as provided by Sections 231.1015, 231.1016, and
24 231.1017, a [A] support order may be modified with regard to the
25 amount of support ordered only as to obligations accruing after the
26 earlier of:

27 (1) the date of service of citation; or

1 (2) an appearance in the suit to modify.

2 SECTION 5. Section 157.321, Family Code, is amended to read
3 as follows:

4 Sec. 157.321. DISCRETIONARY RELEASE OF LIEN. (a) A child
5 support lien claimant may at any time release a lien on all or part
6 of the property of the obligor or return seized property, without
7 liability, if assurance of payment is considered adequate by the
8 claimant or if the release or return will facilitate the collection
9 of the arrearages. The release or return may not operate to prevent
10 future action to collect from the same or other property owned by
11 the obligor.

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

14 SECTION 6. Section 157.322, Family Code, is amended by
15 adding Subsection (c) to read as follows:

16 (c) A release of child support lien filed by the Title IV-D
17 agency under this section does not require verification.

18 SECTION 7. Section 161.304, Family Code, is amended by
19 adding Subsection (c-1) to read as follows:

20 (c-1) The clerk of the court shall provide a copy of an order
21 rendered under Subsection (c) to the Title IV-D agency.

22 SECTION 8. Subchapter B, Chapter 201, Family Code, is
23 amended by adding Section 201.1045 to read as follows:

24 Sec. 201.1045. PROCEEDINGS AND JUDICIAL ACTIONS BY REMOTE
25 COMMUNICATION. (a) In this section, "remote communication"
26 includes teleconferencing, videoconferencing, and any similar
27 technology.

1 (b) Unless a party files a written objection and except as
2 provided by Subsection (d), an associate judge appointed under this
3 subchapter may conduct a proceeding or perform a judicial action
4 authorized under Section 201.104 from any location in this state
5 using remote communication.

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

10 (d) A respondent is entitled to appear in person at a final
11 hearing that may result in a finding of contempt or revocation of
12 the respondent's community supervision under Chapter 157. The
13 respondent may waive the right to appear in person at the hearing in
14 writing or on the record. Unless the respondent waives that right,
15 the associate judge must also appear at the hearing in person.

16 SECTION 9. Section 231.002(e), Family Code, is amended to
17 read as follows:

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

25 (1) issue an administrative subpoena, as provided by
26 Section 231.303, to obtain financial or other information;

27 (2) order genetic testing for parentage

1 determination, as provided by Chapter 233;

2 (3) order income withholding, as provided by Chapter
3 233, and issue an administrative writ of withholding, as provided
4 by Chapter 158; ~~and~~

5 (4) take any action with respect to execution,
6 collection, and release of a judgment or lien for child support
7 necessary to satisfy the judgment or lien, as provided by Chapter
8 157; and

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

11 SECTION 10. Subchapter A, Chapter 231, Family Code, is
12 amended by adding Section 231.016 to read as follows:

13 Sec. 231.016. DISMISSAL OF CERTAIN CLAIMS AGAINST TITLE
14 IV-D AGENCY OR TITLE IV-D AGENCY EMPLOYEE. A court may dismiss a
15 cause of action asserted in a suit filed against the Title IV-D
16 agency or an employee of the Title IV-D agency pertaining to the
17 powers or duties of, or services provided by, the Title IV-D agency
18 under this subtitle if the court determines the asserted cause of
19 action:

20 (1) is frivolous or malicious;

21 (2) fails to state a claim on which relief may be
22 granted; or

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

25 SECTION 11. Section 231.101, Family Code, is amended by
26 adding Subsection (f) to read as follows:

27 (f) The Title IV-D agency shall distribute a child support

1 payment received on behalf of a child placed in substitute care as
2 described by Section 264.109 to the appropriate state agency in
3 accordance with applicable federal laws or regulations.

4 SECTION 12. Subchapter B, Chapter 231, Family Code, is
5 amended by adding Sections 231.1015, 231.1016, and 231.1017 to read
6 as follows:

7 Sec. 231.1015. ADMINISTRATIVE ADJUSTMENT OF SUPPORT
8 OBLIGATIONS DURING OBLIGOR'S INCARCERATION. (a) Subject to
9 Subsection (b), on verification by the Title IV-D agency that a
10 judgment or order has been rendered for the confinement of a child
11 support obligor in a local, state, or federal jail or prison for a
12 period of at least 180 consecutive days, the Title IV-D agency shall
13 review and administratively adjust the obligor's child support,
14 medical support, and dental support order to amounts that are based
15 on the application of the child support guidelines under Chapter
16 154 to the obligor's net resources during incarceration.

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

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

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

24 (c) If the Title IV-D agency administratively adjusts a
25 support obligation under Subsection (a), the agency must:

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

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

3 (d) The notice provided under Subsection (c) must state:

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

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

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

10 (e) Notwithstanding Subsection (a), the Title IV-D agency
11 may seek modification of the support order under Subchapter E,
12 Chapter 156, in lieu of administratively adjusting the support
13 obligation under this section.

14 (f) The administrative adjustment of a support obligation
15 under this section may not take effect before the 30th day after the
16 date a copy of the notice is filed with the court of continuing,
17 exclusive jurisdiction under Subsection (c)(2).

18 (g) The administrative adjustment of a support obligation
19 under this section does not affect a support obligation due before
20 the effective date of the administrative adjustment.

21 (h) The Title IV-D agency may adopt rules to implement this
22 section.

23 Sec. 231.1016. REVIEW OF ADMINISTRATIVE ADJUSTMENT OF
24 SUPPORT OBLIGATIONS. (a) Not later than the 30th day after
25 receiving notice of an administrative adjustment of a support
26 obligation under Section 231.1015, a party to the support order may
27 contest the administrative adjustment by requesting that the Title

1 IV-D agency review the agency's decision to grant the
2 administrative adjustment.

3 (b) If a party to the support order does not request the
4 Title IV-D agency to review the administrative adjustment within
5 the time prescribed by Subsection (a), the Title IV-D agency shall
6 file an administrative adjustment order with the court of
7 continuing, exclusive jurisdiction. The order must contain a
8 signed statement from the Title IV-D agency that neither party to
9 the order requested an administrative review within the time
10 required by Subsection (a) and state the amount of the obligor's
11 adjusted support obligation during incarceration and the effective
12 date of the administrative adjustment. The court shall sign the
13 order not later than the seventh day after the date the order is
14 filed. On expiration of the seventh day after the date the order is
15 filed, the order is considered confirmed by the court by operation
16 of law, regardless of whether the court has signed the order.

17 (c) On request by a party under Subsection (a), the Title
18 IV-D agency shall:

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

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

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

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

27 (d) After conducting a review under Subsection (c), the

1 Title IV-D agency shall:

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

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

11 (e) Not later than the 30th day after a party receives
12 notice under Subsection (d)(1), the party may file a motion
13 requesting a hearing with the court of continuing, exclusive
14 jurisdiction to contest the Title IV-D agency's administrative
15 adjustment of the support obligation. The administrative
16 adjustment remains in effect until:

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

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

22 (f) If a party to a support order does not file a motion
23 requesting a hearing with the court of continuing, exclusive
24 jurisdiction within the time prescribed by Subsection (e), the
25 Title IV-D agency shall file an administrative adjustment order
26 with the court of continuing, exclusive jurisdiction and shall
27 attach to the order a copy of the notice of determination issued

1 under Subsection (d)(1). The order must state the amount of the
2 obligor's adjusted support obligation during incarceration and the
3 effective date of the administrative adjustment. The court shall
4 sign the order not later than the seventh day after the date the
5 order is filed. On expiration of the seventh day after the date the
6 order is filed, the order is considered confirmed by the court by
7 operation of law, regardless of whether the court has signed the
8 order.

9 (g) The Title IV-D agency may adopt rules to implement this
10 section.

11 Sec. 231.1017. MODIFICATION OF SUPPORT OBLIGATION AFTER
12 OBLIGOR'S RELEASE FROM INCARCERATION. In a Title IV-D case, on the
13 release of an obligor whose support obligations were
14 administratively adjusted during incarceration under Section
15 231.1015, the Title IV-D agency shall review the obligor's support
16 order as provided by Section 231.101 to determine if modification
17 is necessary and may proceed under Chapter 156 or 233.

18 SECTION 13. Section 231.108, Family Code, is amended by
19 adding Subsection (h) to read as follows:

20 (h) A court may not order the Title IV-D agency to release
21 information that is confidential or privileged under this section.

22 SECTION 14. The heading to Section 231.117, Family Code, is
23 amended to read as follows:

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

26 SECTION 15. Section 231.117(a), Family Code, is amended to
27 read as follows:

1 (a) The Title IV-D agency:

2 (1) shall refer to appropriate state and local
3 entities that provide employment services any unemployed or
4 underemployed obligor who is in arrears in court-ordered child
5 support payments; and

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

8 SECTION 16. Chapter 233, Family Code, is amended by adding
9 Section 233.0155 to read as follows:

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

18 SECTION 17. Section 233.018(e), Family Code, is amended to
19 read as follows:

20 (e) Notwithstanding Subsection (a)(2) or Section
21 132.001(d), Civil Practice and Remedies Code, the ~~mailing~~ address
22 of a party shall be omitted from the child support review order and
23 any waiver signed under this section if:

24 (1) the court has previously made a finding and
25 ordered nondisclosure under Section 105.006(c) relating to the
26 parties and the order has not been superseded; or

27 (2) the child support review order contains an agreed

1 finding and order under Section 105.006(c).

2 SECTION 18. Section 233.020(a), Family Code, is amended to
3 read as follows:

4 (a) A petition for confirmation of a child support review
5 order not agreed to by the parties:

6 (1) must include the final review order as an
7 attachment to the petition; and

8 (2) may include a waiver of service executed under
9 Section 233.018 [~~233.018(b)~~] and an agreement to appear in court
10 for a hearing.

11 SECTION 19. Section 234.001(d), Family Code, is amended to
12 read as follows:

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

17 SECTION 20. Subchapter A, Chapter 234, Family Code, is
18 amended by adding Sections 234.0015 and 234.013 to read as follows:

19 Sec. 234.0015. CHILD SUPPORT PAYMENTS. For purposes of
20 services provided by the state disbursement unit under this
21 subchapter, a child support payment includes child support, medical
22 support, and dental support ordered under Chapter 154.

23 Sec. 234.013. APPLICABILITY TO CERTAIN MAINTENANCE
24 PAYMENTS. The state disbursement unit shall administer maintenance
25 payments ordered under Section 8.062 in the same manner as child
26 support payments under this subchapter.

27 SECTION 21. Section 552.117(a), Government Code, is amended

1 to read as follows:

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

7 (1) a current or former official or employee of a
8 governmental body, except as otherwise provided by Section 552.024;

9 (2) a current or honorably retired peace officer as
10 defined by Article 2.12, Code of Criminal Procedure, or a current or
11 honorably retired security officer commissioned under Section
12 51.212, Education Code, regardless of whether the officer complies
13 with Section 552.024 or 552.1175, as applicable;

14 (3) a current or former employee of the Texas
15 Department of Criminal Justice or of the predecessor in function of
16 the department or any division of the department, regardless of
17 whether the current or former employee complies with Section
18 552.1175;

19 (4) a peace officer as defined by Article 2.12, Code of
20 Criminal Procedure, or other law, a reserve law enforcement
21 officer, a commissioned deputy game warden, or a corrections
22 officer in a municipal, county, or state penal institution in this
23 state who was killed in the line of duty, regardless of whether the
24 deceased complied with Section 552.024 or 552.1175;

25 (5) a commissioned security officer as defined by
26 Section 1702.002, Occupations Code, regardless of whether the
27 officer complies with Section 552.024 or 552.1175, as applicable;

1 (6) an officer or employee of a community supervision
2 and corrections department established under Chapter 76 who
3 performs a duty described by Section 76.004(b), regardless of
4 whether the officer or employee complies with Section 552.024 or
5 552.1175;

6 (7) a current or former employee of the office of the
7 attorney general who is or was assigned to a division of that office
8 the duties of which involve law enforcement or are performed under
9 Chapter 231, Family Code, regardless of whether the current or
10 former employee complies with Section 552.024 or 552.1175;

11 (8) a current or former employee of the Texas Juvenile
12 Justice Department or of the predecessors in function of the
13 department, regardless of whether the current or former employee
14 complies with Section 552.024 or 552.1175;

15 (9) a current or former juvenile probation or
16 supervision officer certified by the Texas Juvenile Justice
17 Department, or the predecessors in function of the department,
18 under Title 12, Human Resources Code, regardless of whether the
19 current or former officer complies with Section 552.024 or
20 552.1175;

21 (10) a current or former employee of a juvenile
22 justice program or facility, as those terms are defined by Section
23 261.405, Family Code, regardless of whether the current or former
24 employee complies with Section 552.024 or 552.1175;

25 (11) a current or former member of the United States
26 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
27 service of one of those branches of the armed forces, or the Texas

1 military forces, as that term is defined by Section [437.001](#);

2 (12) a current or former district attorney, criminal
3 district attorney, or county or municipal attorney whose
4 jurisdiction includes any criminal law or child protective services
5 matters, regardless of whether the current or former attorney
6 complies with Section [552.024](#) or [552.1175](#);

7 (13) a current or former employee of a district
8 attorney, criminal district attorney, or county or municipal
9 attorney whose jurisdiction includes any criminal law or child
10 protective services matters, regardless of whether the current or
11 former employee complies with Section [552.024](#) or [552.1175](#);

12 (14) a current or former employee of the Texas Civil
13 Commitment Office or of the predecessor in function of the office or
14 a division of the office, regardless of whether the current or
15 former employee complies with Section [552.024](#) or [552.1175](#);

16 (15) a current or former federal judge or state judge,
17 as those terms are defined by Section [1.005](#), Election Code, a
18 federal bankruptcy judge, a marshal of the United States Marshals
19 Service, a United States attorney, or a family member of a current
20 or former federal judge, including a federal bankruptcy judge, a
21 marshal of the United States Marshals Service, a United States
22 attorney, or a state judge;

23 (16) a current or former child protective services
24 caseworker, adult protective services caseworker, or investigator
25 for the Department of Family and Protective Services, regardless of
26 whether the caseworker or investigator complies with Section
27 [552.024](#) or [552.1175](#), or a current or former employee of a department

1 contractor performing child protective services caseworker, adult
2 protective services caseworker, or investigator functions for the
3 contractor on behalf of the department;

4 (17) an elected public officer, regardless of whether
5 the officer complies with Section 552.024 or 552.1175;

6 (18) a current or former United States attorney,
7 assistant United States attorney, federal public defender, deputy
8 federal public defender, or assistant federal public defender and
9 the spouse or child of the current or former attorney or public
10 defender, regardless of whether the person complies with Section
11 552.024 or 552.1175; or

12 (19) a firefighter or volunteer firefighter or
13 emergency medical services personnel as defined by Section 773.003,
14 Health and Safety Code, regardless of whether the firefighter or
15 volunteer firefighter or emergency medical services personnel
16 comply with Section 552.024 or 552.1175, as applicable.

17 SECTION 22. Section 552.1175(a), Government Code, is
18 amended to read as follows:

19 (a) This section applies only to:

20 (1) current or honorably retired peace officers as
21 defined by Article 2.12, Code of Criminal Procedure, or special
22 investigators as described by Article 2.122, Code of Criminal
23 Procedure;

24 (2) current or honorably retired county jailers as
25 defined by Section 1701.001, Occupations Code;

26 (3) current or former employees of the Texas
27 Department of Criminal Justice or of the predecessor in function of

1 the department or any division of the department;

2 (4) commissioned security officers as defined by
3 Section 1702.002, Occupations Code;

4 (5) a current or former district attorney, criminal
5 district attorney, or county or municipal attorney whose
6 jurisdiction includes any criminal law or child protective services
7 matters;

8 (5-a) a current or former employee of a district
9 attorney, criminal district attorney, or county or municipal
10 attorney whose jurisdiction includes any criminal law or child
11 protective services matters;

12 (6) officers and employees of a community supervision
13 and corrections department established under Chapter 76 who perform
14 a duty described by Section 76.004(b);

15 (7) criminal investigators of the United States as
16 described by Article 2.122(a), Code of Criminal Procedure;

17 (8) current or honorably retired police officers and
18 inspectors of the United States Federal Protective Service;

19 (9) current and former employees of the office of the
20 attorney general who are or were assigned to a division of that
21 office the duties of which involve law enforcement or are performed
22 under Chapter 231, Family Code;

23 (10) current or former juvenile probation and
24 detention officers certified by the Texas Juvenile Justice
25 Department, or the predecessors in function of the department,
26 under Title 12, Human Resources Code;

27 (11) current or former employees of a juvenile justice

1 program or facility, as those terms are defined by Section [261.405](#),
2 Family Code;

3 (12) current or former employees of the Texas Juvenile
4 Justice Department or the predecessors in function of the
5 department;

6 (13) federal judges and state judges as defined by
7 Section [1.005](#), Election Code;

8 (14) current or former employees of the Texas Civil
9 Commitment Office or of the predecessor in function of the office or
10 a division of the office;

11 (15) a current or former member of the United States
12 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
13 service of one of those branches of the armed forces, or the Texas
14 military forces, as that term is defined by Section [437.001](#);

15 (16) a current or former child protective services
16 caseworker, adult protective services caseworker, or investigator
17 for the Department of Family and Protective Services or a current or
18 former employee of a department contractor performing child
19 protective services caseworker, adult protective services
20 caseworker, or investigator functions for the contractor on behalf
21 of the department;

22 (17) an elected public officer;

23 (18) a firefighter or volunteer firefighter or
24 emergency medical services personnel as defined by Section [773.003](#),
25 Health and Safety Code; and

26 (19) a current or former United States attorney,
27 assistant United States attorney, federal public defender, deputy

1 federal public defender, or assistant federal public defender.

2 SECTION 23. Section 12.0011(d), Property Code, is amended
3 to read as follows:

4 (d) This section does not apply to a child support lien
5 notice or release of child support lien issued by the Title IV-D
6 agency under Chapter 157, Family Code. For purposes of this
7 subsection, "Title IV-D agency" has the meaning assigned by Section
8 101.033, Family Code.

9 SECTION 24. Section 240.151, Property Code, is amended by
10 amending Subsections (g) and (h) and adding Subsection (i) to read
11 as follows:

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

16 (1) administratively determined as evidenced by a
17 certified child support payment record produced by the Title IV-D
18 agency [~~as defined by Section 101.033, Family Code,~~] in a Title IV-D
19 case [~~as defined by Section 101.034, Family Code~~]; or

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

22 (h) If Subsection (g) applies, the child support obligee to
23 whom child support arrearages are owed or the Title IV-D agency may
24 enforce the child support obligation against the disclaimant as to
25 disclaimed property by a lien or by any other remedy provided by
26 law.

27 (i) In this section:

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

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

5 SECTION 25. Section 25.025(a), Tax Code, is amended to read
6 as follows:

7 (a) This section applies only to:

8 (1) a current or former peace officer as defined by
9 Article 2.12, Code of Criminal Procedure, and the spouse or
10 surviving spouse of the peace officer;

11 (2) the adult child of a current peace officer as
12 defined by Article 2.12, Code of Criminal Procedure;

13 (3) a current or honorably retired county jailer as
14 defined by Section 1701.001, Occupations Code;

15 (4) an employee of the Texas Department of Criminal
16 Justice;

17 (5) a commissioned security officer as defined by
18 Section 1702.002, Occupations Code;

19 (6) an individual who shows that the individual, the
20 individual's child, or another person in the individual's household
21 is a victim of family violence as defined by Section 71.004, Family
22 Code, by providing:

23 (A) a copy of a protective order issued under
24 Chapter 85, Family Code, or a magistrate's order for emergency
25 protection issued under Article 17.292, Code of Criminal Procedure;
26 or

27 (B) other independent documentary evidence

1 necessary to show that the individual, the individual's child, or
2 another person in the individual's household is a victim of family
3 violence;

4 (7) an individual who shows that the individual, the
5 individual's child, or another person in the individual's household
6 is a victim of sexual assault or abuse, stalking, or trafficking of
7 persons by providing:

8 (A) a copy of a protective order issued under
9 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
10 magistrate's order for emergency protection issued under Article
11 17.292, Code of Criminal Procedure; or

12 (B) other independent documentary evidence
13 necessary to show that the individual, the individual's child, or
14 another person in the individual's household is a victim of sexual
15 assault or abuse, stalking, or trafficking of persons;

16 (8) a participant in the address confidentiality
17 program administered by the attorney general under Subchapter B,
18 Chapter 58, Code of Criminal Procedure, who provides proof of
19 certification under Article 58.059, Code of Criminal Procedure;

20 (9) a federal judge, a federal bankruptcy judge, a
21 marshal of the United States Marshals Service, a state judge, or a
22 family member of a federal judge, a federal bankruptcy judge, a
23 marshal of the United States Marshals Service, or a state judge;

24 (10) a current or former district attorney, criminal
25 district attorney, or county or municipal attorney whose
26 jurisdiction includes any criminal law or child protective services
27 matters;

1 (11) a current or former employee of a district
2 attorney, criminal district attorney, or county or municipal
3 attorney whose jurisdiction includes any criminal law or child
4 protective services matters;

5 (12) an officer or employee of a community supervision
6 and corrections department established under Chapter 76,
7 Government Code, who performs a duty described by Section 76.004(b)
8 of that code;

9 (13) a criminal investigator of the United States as
10 described by Article 2.122(a), Code of Criminal Procedure;

11 (14) a current or honorably retired police officer or
12 inspector of the United States Federal Protective Service;

13 (15) a current or former United States attorney,
14 assistant United States attorney, federal public defender, deputy
15 federal public defender, or assistant federal public defender and
16 the spouse and child of the attorney or public defender;

17 (16) a current or former employee of the office of the
18 attorney general who is or was assigned to a division of that office
19 the duties of which involve law enforcement or are performed under
20 Chapter 231, Family Code;

21 (17) a medical examiner or person who performs
22 forensic analysis or testing who is employed by this state or one or
23 more political subdivisions of this state;

24 (18) a current or former member of the United States
25 armed forces who has served in an area that the president of the
26 United States by executive order designates for purposes of 26
27 U.S.C. Section 112 as an area in which armed forces of the United

1 States are or have engaged in combat;

2 (19) a current or former employee of the Texas
3 Juvenile Justice Department or of the predecessors in function of
4 the department;

5 (20) a current or former juvenile probation or
6 supervision officer certified by the Texas Juvenile Justice
7 Department, or the predecessors in function of the department,
8 under Title 12, Human Resources Code;

9 (21) a current or former employee of a juvenile
10 justice program or facility, as those terms are defined by Section
11 [261.405](#), Family Code;

12 (22) a current or former employee of the Texas Civil
13 Commitment Office or the predecessor in function of the office or a
14 division of the office;

15 (23) a current or former employee of a federal judge or
16 state judge;

17 (24) a current or former child protective services
18 caseworker, adult protective services caseworker, or investigator
19 for the Department of Family and Protective Services or a current or
20 former employee of a department contractor performing child
21 protective services caseworker, adult protective services
22 caseworker, or investigator functions for the contractor on behalf
23 of the department;

24 (25) an elected public officer; and

25 (26) a firefighter or volunteer firefighter or
26 emergency medical services personnel as defined by Section [773.003](#),
27 Health and Safety Code.

1 SECTION 26. Section 231.117(d), Family Code, is repealed.

2 SECTION 27. The change in law made by Section 355.102(e),
3 Estates Code, as amended by this Act, applies only to the estate of
4 a decedent who dies on or after the effective date of this Act. The
5 estate of a decedent who dies before the effective date of this Act
6 is governed by the law in effect on the date of the decedent's
7 death, and the former law is continued in effect for that purpose.

8 SECTION 28. The changes in law made by Section 154.017,
9 Family Code, as added by this Act, and Section 231.117, Family Code,
10 as amended by this Act, do not constitute a material and substantial
11 change of circumstances under Section 156.401, Family Code,
12 sufficient to warrant modification of a court order or a portion of
13 a decree that provides for the support of a child rendered before
14 the effective date of this Act.

15 SECTION 29. The changes in law made by Section 157.321,
16 Family Code, as amended by this Act, Section 157.322(c), Family
17 Code, as added by this Act, and Section 12.0011(d), Property Code,
18 as amended by this Act, apply only to a child support lien release
19 executed on or after the effective date of this Act. A child
20 support lien release executed before the effective date of this Act
21 is governed by the law in effect on the date the lien release was
22 executed, and the former law is continued in effect for that
23 purpose.

24 SECTION 30. The change in law made by Section 161.304(c-1),
25 Family Code, as added by this Act, applies only to an order
26 reinstating parental rights that is rendered on or after the
27 effective date of this Act. An order rendered before the effective

1 date of this Act is governed by the law in effect on the date the
2 order was rendered, and the former law is continued in effect for
3 that purpose.

4 SECTION 31. The change in law made by Section 201.1045,
5 Family Code, as added by this Act, applies to a proceeding conducted
6 or judicial action performed on or after the effective date of this
7 Act.

8 SECTION 32. The change in law made by Section 231.016,
9 Family Code, as added by this Act, applies only to a suit filed on or
10 after the effective date of this Act.

11 SECTION 33. The change in law made by Section 231.101(f),
12 Family Code, as added by this Act, applies only to a child support
13 payment received by the Title IV-D agency on or after the effective
14 date of this Act. A child support payment received by the Title
15 IV-D agency before that date is governed by the law in effect on the
16 date the payment was received, and the former law is continued in
17 effect for that purpose.

18 SECTION 34. (a) The changes in law made by Section
19 231.002(e), Family Code, as amended by this Act, and Sections
20 231.1015, 231.1016, and 231.1017, Family Code, as added by this
21 Act, apply to a child support order regardless of whether the order
22 was rendered before, on, or after the effective date of this Act.

23 (b) The change in law made by this Act described by
24 Subsection (a) of this section constitutes a material and
25 substantial change of circumstances under Section 156.401, Family
26 Code, sufficient to warrant modification of a court order or a
27 portion of a decree that provides for the support of a child

1 rendered before the effective date of this Act.

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

7 SECTION 36. The change in law made by Section 233.018(e),
8 Family Code, as amended by this Act, applies only to an agreed child
9 support review order filed on or after the effective date of this
10 Act. An agreed child support review order filed before that date is
11 governed by the law in effect on the date the order was filed, and
12 the former law is continued in effect for that purpose.

13 SECTION 37. The change in law made by Section 234.001(d),
14 Family Code, as amended by this Act, applies only to the
15 admissibility of evidence in a proceeding commenced on or after the
16 effective date of this Act. The admissibility of evidence in a
17 proceeding that commences before the effective date of this Act is
18 governed by the law in effect on the date the proceeding commenced,
19 and the former law is continued in effect for that purpose.

20 SECTION 38. The changes in law made by Section 154.004,
21 Family Code, as amended by this Act, and Sections 234.0015 and
22 234.013, Family Code, as added by this Act, apply to a child support
23 or maintenance payment made on or after the effective date of this
24 Act regardless of whether the order for child support or
25 maintenance was rendered before, on, or after the effective date of
26 this Act.

27 SECTION 39. The changes in law made by Sections 552.117(a)

1 and 552.1175(a), Government Code, and Section 25.025(a), Tax Code,
2 as amended by this Act, apply only to a request for information that
3 is received by a governmental body or an officer on or after the
4 effective date of this Act. A request for information that was
5 received before the effective date of this Act is governed by the
6 law in effect on the date the request was received, and the former
7 law is continued in effect for that purpose.

8 SECTION 40. The change in law made by Section 240.151,
9 Property Code, as amended by this Act, applies only to a disclaimer
10 made on or after the effective date of this Act. A disclaimer made
11 before the effective date of this Act is governed by the law in
12 effect at the time the disclaimer was made, and the former law is
13 continued in effect for that purpose.

14 SECTION 41. This Act takes effect September 1, 2023.

S.B. No. 870

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 870 passed the Senate on April 3, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 870 passed the House on May 9, 2023, by the following vote: Yeas 136, Nays 6, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor