

BILL ANALYSIS

C.S.H.B. 557
By: Jones, Jolanda
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas law allows courts to enforce child support orders through measures such as wage garnishment, driver's license suspension, and incarceration. The bill author has informed the committee that, while these mechanisms aim to ensure timely support for children, they can sometimes impose severe penalties on individuals who fall behind on payments due to circumstances beyond their control, including personal hardships or administrative errors by third parties. Under the current legal framework, these individuals may still be found in contempt of court and face punitive consequences. C.S.H.B. 557 seeks to address this inequity and ensure that the child support enforcement system in Texas considers legitimate, uncontrollable circumstances that impact a parent's ability to pay child support by prohibiting a court from holding a respondent in contempt of court if the respondent appears at the hearing with certain evidence relating to the payment of court-ordered child support and ensuring that interest does not accrue on certain confirmed child support arrearages when the failure to pay was caused by circumstances outside the respondent's control.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 557 amends the Family Code to prohibit a court from finding a respondent in contempt of court for failure to pay child support if the respondent appears at the hearing with the following:

- either one of the following:
 - a copy of the payment record or other evidence satisfactory to the court showing that the respondent is current in the payment of child support as ordered by the court; or
 - evidence satisfactory to the court that the respondent has a plan for becoming current in the payment of child support as ordered by the court; and
- evidence satisfactory to the court showing that the respondent's failure to make timely payments was due to an error made by a third party or other circumstances outside the respondent's control.

These provisions apply only to a hearing to enforce an order in a suit affecting the parent-child relationship that commences on or after the bill's effective date. A hearing that commences before that date is governed by the law in effect on the date the hearing commenced, and the former law is continued in effect for that purpose.

C.S.H.B. 557 establishes that interest does not accrue on child support arrearages that have been confirmed and reduced to a money judgment if the court rendering the judgment finds that the failure by a respondent to make timely payments resulting in the arrearages was due to an error made by a third party or other circumstances outside the respondent's control. This provision applies only to a money judgment for child support arrearages rendered on or after the bill's effective date. A money judgment for child support arrearages rendered before that date is governed by the law in effect on the date the judgment was rendered, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 557 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises provisions from the introduced prohibiting a court from finding a respondent in contempt of court for failure to pay child support if the respondent appears at the hearing with specified evidence by giving such a respondent the option to appear at the hearing with satisfactory evidence showing that the respondent has a plan for becoming current in court-ordered child support payment as an alternative to appearing at the hearing with a copy of the payment record or other satisfactory evidence showing that the respondent is current in court-ordered child support payment.

The substitute includes a provision absent from the introduced establishing that interest does not accrue on child support arrearages that have been confirmed and reduced to a money judgment under certain conditions. The substitute includes a corresponding procedural provision absent from the introduced.