

BILL ANALYSIS

Senate Research Center
89R5044 KRM-F

S.B. 1403
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Jurisprudence
3/17/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Various issues have been raised relating to Title IV-D cases and the services, practices, and procedures for the operation of the Office of the Attorney General as the state's designated Title IV-D agency. S.B. 1403 seeks to ensure the statutes governing the state's Title IV-D program promote expedited procedures and provide clarity that reduces unnecessary delays in delivering child support services to Texas families.

S.B. 1403 modernizes several existing processes by leveraging technology. S.B. 1403 authorizes using e-mail in specific administrative processes and using the agency's Internet website to publish brochures. The bill supports the required expedited judicial and administrative processes for Title IV-D cases by ensuring attorneys representing the state may appear in court in any Title IV-D case as needed, addressing evidentiary standards for wage information provided by the Title IV-D agency to courts, and authorizing the use of a Title IV-D payment record as proof of the state's assignment and involvement in a child support case. S.B. 1403 clarifies that existing statutory service requirements outlined in the Family Code for cases involving family violence supersede any conflicting Rules of Civil Procedure or local court rules and that the statutory requirements in the Family Code satisfy due process requirements.

S.B. 1403 clarifies notice language for the Child Support Review Process (CSRP) and that a CSRP order with a determination of arrearages is a judgment. S.B. 1403 extends the existing prohibition on charging the Title IV-D agency for mediation costs in enforcement and modification cases to now include cases where support is being established. S.B. 1403 clarifies that the availability to utilize a motion to dismiss a frivolous suit in a Title IV-D case also extends to county partners contracted to perform Title IV-D services. S.B. 1403 also resolves a conflict between the use of remote communication technology by Title IV-D associate judges to conduct virtual court hearings and general deposition prerequisites in civil cases.

S.B. 1403 also clarifies the proper method of requesting parental locate information from the Title IV-D agency and permits the Title IV-D agency to cease enforcement services for an obligee incarcerated for an act of family violence committed against the child. Additionally, the 88th Legislature authorized the Title IV-D agency to administratively adjust the child support obligations of certain incarcerated obligors. However, in implementing the new administrative process, the Title IV-D agency identified several procedural gaps in the authorizing statutes that impede the efficient use of this administrative remedy in the Title IV-D caseload. S.B. 1403 amends the administrative adjustment statutes to resolve the identified procedural gaps in the process and provide clarity to courts and the Title IV-D agency when this administrative remedy is used.

Criminal Justice Impact:

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:

This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

Analysis:

S.B. 1403 amends the Family Code to revise statutory provisions regarding certain proceedings and procedures relating to Title IV-D child support services and cases and the related authorizations and requirements pertaining to the Office of the Attorney General (OAG).

S.B. 1403 clarifies that court proceedings conducted by Title IV-D associate judges using remote communication technologies are not subject to the deposition prerequisites in the Texas Civil Practice and Remedies Code.

S.B. 1403 clarifies the prohibition against charging mediation costs to the Title IV-D agency also applies to establishment legal actions.

S.B. 1403 authorizes the Title IV-D agency to cease the enforcement of child support arrearages in a case if the child support obligee is incarcerated for acts of family violence against the child for whom support is owed.

S.B. 1403 clarifies that a motion to dismiss frivolous claims in a Title IV-D case may also be used by an attorney or political subdivision contracted to provide Title IV-D services.

S.B. 1403 clarifies the Title IV-D agency's discretion whether to utilize the administrative adjustment remedy to address the modification of an incarcerated obligor's current support obligations. This change conforms to existing language in the same statute that already allows the Title IV-D agency to instead pursue a judicial modification action in lieu of administratively adjusting the support amounts.

S.B. 1403 authorizes the Title IV-D agency to prescribe the forms used for notices, orders, and investigation reports used in the administrative adjustment process. The bill also authorizes that a notice of administrative adjustment may be sent to the last known residence, mailing, or e-mail address provided to the Title IV-D agency or listed in the court order and that sending the notice in the manner authorized satisfies due process requirements for notice and service of process on a party.

S.B. 1403 clarifies that when a party timely requests a review of an administrative adjustment, the Title IV-D agency must schedule a review with the contesting party and that the review may be conducted either in person, by telephone, or by using teleconferencing, videoconferencing, or other similar remote communication technology.

S.B. 1403 requires the court to hold a hearing within 30 days when a party timely files a request for judicial review of the administrative adjustment of support. The bill further provides that a timely filed judicial review request stays the administrative adjustment until the court conducts the hearing and that the court is authorized to conduct a de novo hearing limited to the Title IV-D determinations required by Section 231.1015(b), Family Code. The bill further repeals conflicting existing statutory language that states that an administrative adjustment remains in effect during judicial review.

S.B. 1403 authorizes the Title IV-D agency to file an investigation report with factual findings to support an administrative adjustment. The bill further provides that if no party contests the findings contained in the investigation report, then the findings are deemed to be conclusively established.

S.B. 1403 prohibits a party's contact information from being included in the administrative adjustment order if a nondisclosure order has been previously rendered by the court or when the Title IV-D agency indicates in an investigation report filed with the administrative adjustment that agency currently has a family violence indicator for that party that has been placed on the case and recorded in the agency's automated case management system.

S.B. 1403 authorizes the clerk of the court to collect the fees authorized for Title IV-D cases upon the filing of an administrative adjustment order.

S.B. 1403 provides that a Title IV-D payment record filed with the court in a child support case may be introduced into evidence to establish the existence of an assignment of support rights to the Title IV-D agency on that case.

S.B. 1403 authorizes any attorney employed to provide Title IV-D services to appear in court to represent the Title IV-D agency in legal proceedings filed under Title 5 of the Family Code.

S.B. 1403 clarifies that the statutory service procedures in the Family Code for Title IV-D cases supersede any conflicting Rule of Civil Procedure or court rule. The bill requires that courts accept service returns that comply with the statutory procedure as meeting due process requirements.

S.B. 1403 requires the Title IV-D agency to provide all published agency brochures on the agency's internet website. Physical copies of the brochures are only required to be made available to the public in a courthouse if a request is made by the clerk of the district court for that county.

S.B. 1403 authorizes the Title IV-D agency to prepare, sign, and submit to the court an investigation report that includes financial information required to calculate support. The bill establishes evidentiary standards for the record and authorizes a respondent to offer controverting income information.

S.B. 1403 authorizes the Title IV-D agency to send notice of an administrative license suspension petition to the last known email address on file with the court and state case registry.

S.B. 1403 amends the required language that must be included in a notice of child support review. The amended language more clearly indicates that if a recipient of the notice refuses to participate in the child support review process, the lack of cooperation does not prevent the Title IV-D agency from completing the child support review process or from filing a child support review order.

S.B. 1403 authorizes the Title IV-D agency to send notice of an administrative child support review proceeding to a party's current email address that has been provided to the court and the State Case Registry pursuant to a prior court order in the case.

S.B. 1403 clarifies that a determination of arrears contained within a child support review order is a judgment.

S.B. 1403 clarifies the process for requesting parent-locate information from the Title IV-D agency.

Effective date: September 1, 2025.

As proposed, S.B. 1403 amends current law relating to the collection, modification, and enforcement of child support, and to certain procedures for child support cases and orders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.1045, Family Code, by adding Subsection (e), as follows:

- (e) Provides that Section 30.012(b) (relating to the conditions under which a witness testimony at trial in district or statutory county court is authorized to be conducted by electronic means), Civil Practice and Remedies Code, does not apply to a proceeding

conducted using remote communication under Section 201.1045 (Proceedings and Judicial Actions by Remote Communication).

SECTION 2. Amends Section 231.002, Family Code, by amending Subsection (j) and adding Subsection (k), as follows:

(j) Provides that in the establishment, enforcement, or modification of a child support order, the Title IV-D agency (agency) is not:

(1) makes no changes to this subdivision; or

(2) liable for any costs associated with mediation or arbitration, rather than any costs associated with mediation or arbitration arising from provisions in the order or another agreement of the parties.

(k) Authorizes the agency to cease child support enforcement services against an obligor for child support arrearages if the obligee is confined in a local, state, or federal jail or prison for an offense constituting an act of family violence committed against a child covered by the child support order.

SECTION 3. Amends Section 231.016, Family Code, as follows:

Sec. 231.016. New heading: DISMISSAL OF CERTAIN CLAIMS AGAINST AGENCY, AGENCY EMPLOYEE, OR CONTRACTED ATTORNEY OR POLITICAL SUBDIVISION. Authorizes a court to dismiss a cause of action asserted in a suit filed against the agency, an employee of the agency, or an attorney or a political subdivision with which the agency has contracted under Chapter 231 (Title IV-D Services), pertaining to the powers or duties of, or services provided by, the agency under Subtitle D (Administrative Services) if the court determines the asserted cause of action meets certain criteria. Makes a nonsubstantive change.

SECTION 4. Amends Section 231.1015, Family Code, by amending Subsections (a) and (d) and adding Subsection (d-1), as follows:

(a) Provides that the agency, subject to Subsection (b) (relating to circumstances in which a child support obligor's obligations will not be adjusted during their incarceration), on verification by the agency that a judgment or order has been rendered for the confinement of a child support obligor in a local, state, or federal jail or prison for a period of at least 180 consecutive days, is required to review and authorized to administratively adjust the obligor's child support, medical support, and dental support order to amounts that are based on the application of the child support guidelines under Chapter 154 (Child Support) to the obligor's net resources during incarceration.

(d) Requires that the notice provided under Subsection (c) (relating to notice of an administrative adjustment to child support obligations to the court and the parties to a support order):

(1) makes nonsubstantive changes to this subdivision;

(2) be in the form prescribed by the agency; and

(3) be sent to the party's last known residence address, mailing address, or e-mail address provided to the agency, except that if no updated addresses have been provided to the agency, the notice is authorized to be sent to the party's residence address, mailing address, or e-mail address listed in the most recent order on file with the clerk of the court.

(d-1) Authorizes a court to consider due process requirements for notice and service of process to be met with regard to a party affected by an administrative adjustment of a support obligation under Section 231.1015 (Administrative Adjustment of Support

Obligations During Obligor's Incarceration) if notice is provided to the party in compliance with Subsection (d)(3).

SECTION 5. Amends Section 231.1016, Family Code, by amending Subsections (c) and (e) and adding Subsections (f-1), (f-2), (f-3), and (f-4), as follows:

(c) Requires the agency, on request by a party under Subsection (a) (relating to a request by a party to the support order that the agency review the agency's decision to grant the administrative adjustment), to:

(1) makes no changes to this subdivision; and

(2) provide an opportunity for review with the contesting party, rather than with the parties, in person, by telephone, or by remote communication including teleconferencing, videoconferencing, or other similar technology, as determined appropriate by the agency.

Makes a nonsubstantive change to this subsection.

(e) Provides that a timely filed request for a hearing under this subsection stays the administrative adjustment of the support obligation pending the hearing. Requires the court to hold the hearing not later than the 30th day after the date the request is filed. Requires the court, at the hearing, to review only the agency's determinations described by Section 231.1015(b) in a trial de novo. Deletes existing text providing that the administrative adjustment remains in effect until the agency files a notice with the court of continuing, exclusive jurisdiction withdrawing the administrative adjustment or the court renders an order regarding the administrative adjustment.

(f-1) Authorizes the agency to file together with an administrative adjustment order under Section 231.1016 (Review of Administrative Adjustment of Support Obligations) an investigation report that includes any factual findings supporting the administrative adjustment order, including findings supporting the agency's compliance with Section 231.1015(d)(3). Requires that the investigation report be in the form prescribed by the agency and signed by an agent of the agency. Provides that, unless a party contests the findings of the investigation report under Subsection (e), the investigation report conclusively establishes the findings.

(f-2) Requires that an administrative adjustment order filed under this section be in the form prescribed by the agency.

(f-3) Prohibits an administrative adjustment order filed under this section, notwithstanding Section 105.006 (Contents of Final Order), from including the social security number, driver's license number, residence address, mailing address, home telephone number, name of employer, address of employment, or work telephone number of a party if:

(1) the court has previously made a finding and ordered nondisclosure under Section 105.006(c) (relating to certain personal information that is authorized to be omitted from a final order if its disclosure is likely to cause certain forms of harm towards the child or conservator) relating to the parties and the order has not been superseded; or

(2) the agency indicates in an investigation report filed under Subsection (f-1) that the agency excluded the information of a party from the administrative adjustment order based on a family violence indicator that the agency placed on the case and recorded in the agency's unified enforcement system.

(f-4) Authorizes the clerk of the court, on the filing of an administrative adjustment order, to collect the fees authorized in a case by this chapter.

SECTION 6. Amends Section 231.104(c), Family Code, as follows:

(c) Provides that filing a notice of assignment of support rights, a notice of change of payee under Section 231.105 (Notice of Change of Payee), a child support payment record produced by the agency, or a pleading by the agency in a suit under this title is evidence of the assignment of support rights to the agency in that cause and is admissible as evidence of the truth of the assignment of support rights and does not require further authentication or verification.

SECTION 7. Amends Section 231.109, Family Code, by adding Subsection (f), as follows:

(f) Authorizes an attorney employed to provide services to, without notice to the parties, represent the agency at a court proceeding in an action brought under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship).

SECTION 8. Amends Section 231.118(d), Family Code, as follows:

(d) Prohibits a return of the process made under Section 231.118 (Service of Citation) in a suit, notwithstanding Subsection (c) (relating to the requirement that issuance and return of the process be made in accordance with the law and be verified by the person serving the document) or any other law, from including the address served and authorizes the court to consider due process requirements for notice and service of process to be met with respect to a party if:

(1) makes no changes to this subdivision; or

(2) the court has previously made a finding and ordered nondisclosure under Section 105.006(c) relating to the party, rather than parties, and the order has not been superseded.

SECTION 9. Amends Section 231.121, Family Code, as follows:

Sec. 231.121. **AVAILABILITY OF BROCHURES.** Requires the agency to ensure that all brochures published by the agency are available to the public on the agency's Internet website and, on the request of the clerk of a district court, at courthouses where family law cases are heard in the county in which that district court is located, rather than in the state.

SECTION 10. Amends Section 231.302, Family Code, by adding Subsection (b-1), as follows:

(b-1) Authorizes the agency, after conducting an investigation and assessment of a party's financial resources in a child support action under this title, to prepare and submit to the court an investigation report indicating the agency's findings regarding the party's average monthly gross income based on information obtained under Subsection (a) (relating to authorizing the agency, of this or another state, to obtain certain information as necessary to establish, modify, or enforce a support order). Requires that the agency investigation report be signed by the agent who prepared the report. Provides that the report is admissible as evidence of the truth of the information contained in the record and does not require further authentication or verification. Authorizes a respondent to offer evidence controverting income information contained in an investigation report submitted under this subsection.

SECTION 11. Amends Section 232.006(b), Family Code, as follows:

(b) Authorizes notice under Section 232.006 (Notice) to be served:

(1) if the party has been ordered under Chapter 105 (Settings, Hearings, and Orders) to provide the court and registry with the party's current mailing address or e-mail address, by:

(A) creates this paragraph from existing text and makes no further changes; or

(B) electronically mailing a copy of the notice to the respondent, together with a copy of the petition, to the last known e-mail address of the respondent on file with the court and the state case registry; or

(2) makes no changes to this subdivision.

SECTION 12. Amends Section 233.006(a), Family Code, as follows:

(a) Requires that the notice of child support review issued by the agency achieve certain aims, including informing the recipient that if the recipient refuses to participate or ceases participation in the child support review process, that the recipient's lack of participation will not prevent the completion of the process or the filing of a child support review order.

Deletes existing text requiring that the notice of child support review issues by the agency inform the recipient that the recipient is authorized to refuse to participate or cease participation in the child support review process, but that the refusal by the recipient to participate will not prevent the completion of the process or the filing of a child support review order.

SECTION 13. Amends Section 233.007(a), Family Code, as follows:

(a) Authorizes a notice required in an administrative action under Chapter 233 (Child Support Review Process to Establish or Enforce Support Obligations) to be delivered, rather than delivered by personal service or first class mail, on each party entitled to citation or notice under, rather than as provided by, Chapter 102 (Filing Suit) by personal service, first class mail, or e-mail to an address provided by the party to the court or agency.

SECTION 14. Amends Section 233.0155, Family Code, to provide that the agency's authority to issue and enforce a child support review order containing a determination of arrearages and judgment, rather than an order containing a determination of arrearages, is not subject to certain time limitations.

SECTION 15. Amends Section 234.012, Family Code, to require the state case registry, on request under Section 231.301 (Parent Locator Services) and to the extent permitted by federal law, to provide the information required under Sections 105.006 and 105.008 (Record of Support Order for State Case Registry) in any case included in the registry under Section 234.001(b) (relating to the requirement for a state case registry which maintains records of certain child support orders) to certain entities.

SECTION 16. Makes application of Sections 201.1045(e) and 231.109(f), Family Code, as added by this Act, prospective.

SECTION 17. Provides that the changes in law made by Section 231.002(k), Family Code, as added by this Act, and Section 233.0155, Family Code, as amended by this Act, apply to a child support review order regardless of whether the order was rendered before, on, or after the effective date of this Act.

SECTION 18. Makes application of Section 231.016, Family Code, as amended by this Act, prospective.

SECTION 19. Makes application of Sections 231.1015 and 231.1016, Family Code, as amended by this Act, prospective.

SECTION 20. Makes application of Sections 231.118(d), 232.006(b), 233.006(a), and 233.007(a), Family Code, as amended by this Act, prospective.

SECTION 21. Makes application of Section 231.104(c), Family Code, as amended by this Act, prospective.

SECTION 22. Requires the agency, not later than December 1, 2025, to ensure that all Title IV-D brochures published by the agency are available on the agency's Internet website as required by Section 231.121, Family Code, as amended by this Act.

SECTION 23. Makes application of Section 234.012, Family Code, as amended by this Act, prospective.

SECTION 24. Effective date: September 1, 2025.