

BILL ANALYSIS

Senate Research Center

S.B. 1923
By: West
Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current statute, if a child subject to an order of support under Chapter 154 of the Texas Family Code becomes subject to a Parental Child Safety Placement (PCSP) under Chapter 264, Subchapter L, Texas Family Code, or an authorization agreement with an adult caregiver under Subtitle A, Chapter 34, Texas Family Code, and is removed from the custodial parent receiving support to the home of kin or fictive kin on a temporary basis, the child support does not follow the child. The custodial parent may continue receiving the child support even though they are not caring for the child subject to an order of support under Chapter 154, Texas Family Code.

Simply stated, S.B. 1923 will allow child support to follow the child if the child is placed with kin or fictive kin in a PCSP under Chapter 264, Subchapter L, Texas Family Code, or under an authorization agreement with an adult caregiver under Subtitle A, Chapter 34, Texas Family Code.

The committee substitute to S.B. 1923 will specify that, for the child support to follow the child, the following conditions must be present:

1. The child must have been voluntarily relinquished and the person having physical possession of the child must have physical possession of the child for at least six months.
2. The custodial parent has entered into an authorization agreement with an adult caregiver under Chapter 34, Texas Family Code, or a PCSP under Section 264.902, Texas Family Code.

Further, the committee substitute notes that an order modifying support under this statute is temporary and must include the finding that the modification is based on a PCSP agreement, and that such order modifying support automatically terminates 90 calendar days after the agreement is signed, or on a termination date indicated in the temporary order, whichever is earlier.

The bill further stipulates that a court must give preference to motions filed under this section of the code, and must hold a hearing on the motion not later than the 30th day after such hearing has been requested.

The legislation further provides that if a respondent has been ordered under Chapter 105, Family Code, to provide the court and state case registry with an email address, a motion for modification under this section may be served either by mailing the respondent a copy of the hearing notice by first class mail or by email to the address using the electronic filing system established under Texas Government Code, Section 72.031.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1923 amends current law relating to the modification of certain orders providing for the support of a child.

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 156.409, Family Code, by amending Subsections (a), (a-1), and (b) and adding Subsection (c), as follows:

(a) Requires a court, on the motion of a party or a person having physical possession of the child, to modify an order providing for the support of the child to provide that the person having physical possession of the child for at least six months is required to have the right to receive and give receipt for payments of support for the child and to hold or disburse money for the benefit of the child if the sole managing conservator of the child or the joint managing conservator who has the exclusive right to determine the primary residence of the child has:

(1) voluntarily relinquished to the person having physical possession of the child the primary care and possession of the child for at least six months;

(2)-(3) makes nonsubstantive changes to these subdivisions; or

(4) entered into an authorization agreement under Chapter 34 (Authorization Agreement for Nonparent Adult Caregiver) with the person having physical possession of the child.

(a-1) Requires the court, if the court modifies a support order under Section 156.409 (Change in Physical Possession), to order the obligor to pay the person or entity having physical possession of the child any unpaid child support that is not subject to offset or reimbursement under Section 157.008 (Affirmative Defense to Motion for Enforcement of Child Support) and that accrues after the date the sole or joint managing conservator takes certain actions, including entering into an authorization agreement under Chapter 34 with the person having physical possession of the child. Makes nonsubstantive changes.

(b) Authorizes notice of a motion for modification or hearing on a motion for modification under this section, if a respondent has been ordered under Chapter 105 (Settings, Hearings, and Orders) to provide the court and the state case registry with the respondent's current mailing address or e-mail address, to be served:

(1) creates this subdivision from existing text and makes a nonsubstantive change; or

(2) by e-mail through the electronic filing system established under Section 72.031 (Electronic Filing System), Government Code.

(c) Authorizes a notice or document associated with a motion for modification under this section not otherwise described by Subsection (b) to be delivered in the manner described by Subdivision (2) of that subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.