

BILL ANALYSIS

C.S.S.B. 1923
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that under current law, if a child subject to an order of child support becomes subject to an authorization agreement with an adult caregiver 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, and the custodial parent may continue receiving the child support even though they are not caring for the child subject to an order of support. C.S.S.B. 1923 addresses this issue by providing for child support to follow the child if the child is placed with a nonparent adult caregiver under an authorization agreement.

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.S.B. 1923 amends the Family Code to revise as follows the circumstances involving a change in the physical possession of a child that trigger the requirement for 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 has 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:

- replaces the circumstance that 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 voluntarily relinquished the primary care and possession of the child with the circumstance that such a conservator has voluntarily relinquished to the person having physical possession of the child the primary care and possession of the child for at least six months; and
- includes as an applicable circumstance that 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 entered into an authorization agreement for a nonparent adult caregiver with the person having physical possession of the child.

With respect to the requirement for a court that modifies a support order under such circumstances to order the obligor to pay the person or entity having physical possession of the child unpaid child support that is not subject to offset or reimbursement and that accrues after a specified date relevant to the change in possession, the bill clarifies that for modification based on an authorization agreement for a nonparent adult caregiver, that date is the date on which the agreement was entered into.

C.S.S.B. 1923 replaces the authorization for notice of a motion for modification of an order providing for the support of a child that is triggered by an applicable change in physical possession of the child to be served by first class mail in the manner provided by state law for notice of a hearing on a motion for enforcement of a final order or on a request for a court order implementing a postjudgment remedy for the collection of child support with the following provisions:

- an authorization for notice of such a motion or a hearing on such a motion, if a respondent has been ordered to provide the court and the state case registry with the respondent's current mailing address or email address, to be served by first class mail in that manner or by email through the electronic filing system for court documents; and
- an authorization for any other notice or document associated with such a motion to be delivered by email through the electronic filing system.

C.S.S.B. 1923 applies only to a motion for modification of an order providing for the support of a child filed on or after the bill's effective date. A motion for modification of an order providing for the support of a child filed before the bill's effective date is governed by the law in effect on the date the motion was filed, and the former law is continued for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1923 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Both versions of the bill revise the requirement in current law for a court, on an applicable motion, to modify an order providing for the support of a child to provide that a person having physical possession of the child for at least six months has 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 under certain circumstances involving a change in the physical possession of the child. However, the engrossed removed the specification that the duration of the person's physical possession of the child has been at least six months, whereas the substitute does not remove that specification.