

By: Swanson

H.B. No. 3311

A BILL TO BE ENTITLED

AN ACT

relating to priority of payments for claims against a decedent's estate.

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

SECTION 1. Sections 355.102(d) and (e), Estates Code, are amended to read as follows:

(d) Class 3 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 ~~[each secured claim for money under Section 355.151(a)(1), including a tax lien, to the extent the claim can be paid out of the proceeds of the property subject to the mortgage or other lien. If more than one mortgage, lien, or security interest exists on the same property, the claims shall be paid in order of priority of the mortgage, lien, or security interest securing the debt].~~

1 (e) Class 4 claims are composed of each secured claim for
2 money under Section 355.151(a)(1), including a tax lien, to the
3 extent the claim can be paid out of the proceeds of the property
4 subject to the mortgage or other lien. If more than one mortgage,
5 lien, or security interest exists on the same property, the claims
6 shall be paid in order of priority of the mortgage, lien, or
7 security interest securing the debt ~~[claims:~~

8 ~~[(1) for the principal amount of and accrued interest~~
9 ~~on delinquent child support and child support arrearages that have~~
10 ~~been:~~

11 ~~[(A) confirmed as a judgment or a determination~~
12 ~~of arrearages by a court under Title 5, Family Code, or~~

13 ~~[(B) administratively determined as evidenced by~~
14 ~~a certified child support payment record produced by the Title IV-D~~
15 ~~agency, as defined by Section 101.033, Family Code, in a Title IV-D~~
16 ~~case, as defined by Section 101.034, Family Code, and~~

17 ~~[(2) for unpaid child support obligations under~~
18 ~~Section 154.015, Family Code].~~

19 SECTION 2. Sections 355.102(d) and (e), Estates Code, as
20 amended by this Act, apply only to the estate of a decedent who dies
21 on or after the effective date of this Act. The estate of a decedent
22 who dies before the effective date of this Act is governed by the
23 law in effect on the date of the decedent's death, and the former
24 law is continued in effect for that purpose.

25 SECTION 3. This Act takes effect September 1, 2025.