

By: Dutton

H.B. No. 4034

Substitute the following for H.B. No. 4034:

By: Leach

C.S.H.B. No. 4034

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the Title IV-D agency, the powers and duties of the Title IV-D agency regarding the collection, modification, and enforcement of child support, and to certain procedures for cases and orders relating to the Title IV-D agency.

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

SECTION 1. Section 201.1045, Family Code, is amended by adding Subsection (e) to read as follows:

(e) Section 30.012(b), Civil Practice and Remedies Code, does not apply to a proceeding conducted using remote communication under this section.

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

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

(1) subject to a mediation or arbitration clause or requirement in the order to which the Title IV-D agency was not a party; or

(2) liable for any costs associated with mediation or arbitration ~~[arising from provisions in the order or another agreement of the parties]~~.

(k) The Title IV-D agency may cease child support enforcement services against an obligor for child support

1 arrearages if the obligee is confined in a local, state, or federal
2 jail or prison for an offense constituting an act of family violence
3 committed against a child covered by the child support order.

4 SECTION 3. Section 231.016, Family Code, is amended to read
5 as follows:

6 Sec. 231.016. DISMISSAL OF CERTAIN CLAIMS AGAINST TITLE
7 IV-D AGENCY, ~~[OR]~~ TITLE IV-D AGENCY EMPLOYEE, OR CONTRACTED
8 ATTORNEY OR POLITICAL SUBDIVISION. A court may dismiss a cause of
9 action asserted in a suit filed against the Title IV-D agency, ~~[or]~~
10 an employee of the Title IV-D agency, or an attorney or a political
11 subdivision with which the Title IV-D agency has contracted under
12 this chapter, pertaining to the powers or duties of, or services
13 provided by, the Title IV-D agency under this subtitle if the court
14 determines the asserted cause of action:

15 (1) is frivolous or malicious;

16 (2) fails to state a claim on which relief may be
17 granted; or

18 (3) seeks monetary relief from the agency or employee
19 for which immunity applies.

20 SECTION 4. Section 231.1015, Family Code, is amended by
21 amending Subsections (a) and (d) and adding Subsection (d-1) to
22 read as follows:

23 (a) Subject to Subsection (b), on verification by the Title
24 IV-D agency that a judgment or order has been rendered for the
25 confinement of a child support obligor in a local, state, or federal
26 jail or prison for a period of at least 180 consecutive days, the
27 Title IV-D agency shall review and may 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 to the obligor's net resources during incarceration.

(d) The notice provided under Subsection (c) must:

(1) state:

(A) ~~[(1)]~~ the amount of the obligor's adjusted support obligation during incarceration;

(B) ~~[(2)]~~ the effective date of the administrative adjustment of the support obligation; and

(C) ~~[(3)]~~ the style and cause number of the case in which the support order was rendered;

(2) be in the form prescribed by the Title IV-D agency;
and

(3) be sent to the party's last known residence address, mailing address, or e-mail address provided to the Title IV-D agency, except that if no updated addresses have been provided to the Title IV-D agency, the notice may 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) A court shall 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 this section if notice is provided to the party in compliance with Subsection (d)(3).

SECTION 5. Section 231.1016, Family Code, is amended by amending Subsections (c) and (e) and adding Subsections (f-1),

(f-2), (f-3), and (f-4) to read as follows:

(c) On request by a party under Subsection (a), the Title IV-D agency shall:

(1) review the administrative adjustment of the support obligation to determine whether:

(A) the exceptions under Section 231.1015(b) apply; and

(B) the administrative adjustment accurately reflects the obligor's net resources during incarceration; and

(2) provide an opportunity for review with the contesting party ~~[parties]~~ in person, ~~[or]~~ by telephone, or by remote communication including teleconferencing, videoconferencing, or other similar technology, as determined appropriate by the Title IV-D agency.

(e) Not later than the 30th day after a party receives notice under Subsection (d)(1), the party may file a motion requesting a hearing with the court of continuing, exclusive jurisdiction to contest the Title IV-D agency's administrative adjustment of the support obligation. A timely filed request for a hearing under this subsection stays the administrative adjustment of the support obligation pending the hearing. The court shall hold the hearing not later than the 30th day after the date the request is filed. At the hearing, the court shall review only the Title IV-D agency's determinations described by Section 231.1015(b) in a trial de novo ~~[The administrative adjustment remains in effect until:~~

~~(1) the agency files a notice with the court of~~

~~continuing, exclusive jurisdiction withdrawing the administrative
adjustment; or~~

~~[(2) the court renders an order regarding the
administrative adjustment].~~

(f-1) The Title IV-D agency may file together with an
administrative adjustment order under this section an
investigation report that includes any factual findings supporting
the administrative adjustment order, including findings supporting
the Title IV-D agency's compliance with Section 231.1015(d)(3).
The investigation report must be in the form prescribed by the Title
IV-D agency and signed by an agent of the Title IV-D agency. Unless
a party contests the findings of the investigation report under
Subsection (e), the investigation report conclusively establishes
the findings.

(f-2) An administrative adjustment order filed under this
section must be in the form prescribed by the Title IV-D agency.

(f-3) Notwithstanding Section 105.006, an administrative
adjustment order filed under this section may not include 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 the
parties and the order has not been superseded; or

(2) the Title IV-D agency indicates in an
investigation report filed under Subsection (f-1) that the Title
IV-D agency excluded the information of a party from the

1 administrative adjustment order based on a family violence
2 indicator that the Title IV-D agency placed on the case and recorded
3 in the agency's unified enforcement system.

4 (f-4) On the filing of an administrative adjustment order,
5 the clerk of the court may collect the fees authorized in a Title
6 IV-D case by this chapter.

7 SECTION 6. Section 231.104(c), Family Code, is amended to
8 read as follows:

9 (c) Filing a notice of assignment of support rights, a
10 notice of change of payee under Section 231.105, a child support
11 payment record produced by the Title IV-D agency, or a pleading by
12 the Title IV-D agency in a suit under this title is evidence of the
13 assignment of support rights to the Title IV-D agency in that cause
14 and is admissible as evidence of the truth of the assignment of
15 support rights and does not require further authentication or
16 verification.

17 SECTION 7. Section 231.109, Family Code, is amended by
18 adding Subsection (f) to read as follows:

19 (f) An attorney employed to provide Title IV-D services may,
20 without notice to the parties, represent the Title IV-D agency at a
21 court proceeding in an action brought under this title.

22 SECTION 8. Section 231.118(d), Family Code, is amended to
23 read as follows:

24 (d) Notwithstanding Subsection (c) or any other law or rule,
25 a return of the process made under this section in a suit may not
26 include the address served and the court shall consider due process
27 requirements for notice and service of process to be met with

1 respect to a party if:

2 (1) a pleading filed in the suit requests a finding
3 under Section 105.006(c); or

4 (2) the court has previously made a finding and
5 ordered nondisclosure under Section 105.006(c) relating to the
6 party [~~parties~~] and the order has not been superseded.

7 SECTION 9. Section 231.121, Family Code, is amended to read
8 as follows:

9 Sec. 231.121. AVAILABILITY OF BROCHURES. The Title IV-D
10 agency shall ensure that all Title IV-D brochures published by the
11 agency are available to the public on the agency's Internet website
12 and, on the request of the clerk of a district court, at courthouses
13 where family law cases are heard in the county in which that
14 district court is located [~~state~~].

15 SECTION 10. Section 231.302, Family Code, is amended by
16 adding Subsection (b-1) to read as follows:

17 (b-1) After conducting an investigation and assessment of a
18 party's financial resources in a child support action under this
19 title, the Title IV-D agency may prepare and submit to the court an
20 investigation report indicating the agency's findings regarding
21 the party's average monthly gross income based on information
22 obtained under Subsection (a). The Title IV-D agency investigation
23 report must be signed by the agent who prepared the report. The
24 investigation report is admissible as evidence of the truth of the
25 information contained in the record and does not require further
26 authentication or verification. A respondent may offer evidence
27 controverting income information contained in an investigation

1 report submitted under this subsection.

2 SECTION 11. Section 232.006(b), Family Code, is amended to
3 read as follows:

4 (b) Notice under this section may be served:

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

8 (A) mailing a copy of the notice to the
9 respondent, together with a copy of the petition, by first class
10 mail to the last mailing address of the respondent on file with the
11 court and the state case registry; or

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

16 (2) as in civil cases generally.

17 SECTION 12. Section 233.006(a), Family Code, is amended to
18 read as follows:

19 (a) The notice of child support review issued by the Title
20 IV-D agency must:

21 (1) describe the procedure for a child support review,
22 including the procedures for requesting a negotiation conference;

23 (2) inform the recipient that the recipient may be
24 represented by legal counsel during the review process or at a court
25 hearing; and

26 (3) inform the recipient that if the recipient refuses
27 ~~[may refuse]~~ to participate or ceases ~~[cease]~~ participation in the

1 child support review process, ~~[but]~~ that the recipient's lack of
2 participation ~~[refusal by the recipient to participate]~~ will not
3 prevent the completion of the process or the filing of a child
4 support review order.

5 SECTION 13. Section 233.007(a), Family Code, is amended to
6 read as follows:

7 (a) A notice required in an administrative action under this
8 chapter may be delivered ~~[by personal service or first class mail]~~
9 on each party entitled to citation or notice under ~~[as provided by]~~
10 Chapter 102 by:

- 11 (1) personal service;
12 (2) first class mail; or
13 (3) e-mail to an address provided by the party to the
14 court or Title IV-D agency.

15 SECTION 14. Section 233.0155, Family Code, is amended to
16 read as follows:

17 Sec. 233.0155. ISSUANCE AND ENFORCEMENT OF CHILD SUPPORT
18 REVIEW ORDER CONTAINING DETERMINATION OF ARREARAGES; TIME
19 LIMITATION NOT APPLICABLE. The Title IV-D agency's authority to
20 issue and enforce a child support review order containing a
21 determination of arrearages and judgment is not subject to the time
22 limitation prescribed by Section 157.005(b) on the court's
23 jurisdiction to confirm the amount of and render cumulative money
24 judgments for arrearages.

25 SECTION 15. Section 234.012, Family Code, is amended to
26 read as follows:

27 Sec. 234.012. RELEASE OF INFORMATION FROM STATE CASE

1 REGISTRY. Unless prohibited by a court in accordance with Section
2 105.006(c), the state case registry shall, on request under Section
3 231.301 and to the extent permitted by federal law, provide the
4 information required under Sections 105.006 and 105.008 in any case
5 included in the registry under Section 234.001(b) to:

- 6 (1) any party to the proceeding;
- 7 (2) an amicus attorney;
- 8 (3) an attorney ad litem;
- 9 (4) a friend of the court;
- 10 (5) a guardian ad litem;
- 11 (6) a domestic relations office;
- 12 (7) a prosecuting attorney or juvenile court acting in
13 a proceeding under Title 3; or
- 14 (8) a governmental entity or court acting in a
15 proceeding under Chapter 262.

16 SECTION 16. The changes in law made by Sections 201.1045(e)
17 and 231.109(f), Family Code, as added by this Act, apply only to a
18 proceeding commenced on or after the effective date of this Act.

19 SECTION 17. The change in law made by Section 233.0155,
20 Family Code, as amended by this Act, applies to a child support
21 review order regardless of whether the order was rendered before,
22 on, or after the effective date of this Act.

23 SECTION 18. The change in law made by Section 231.016,
24 Family Code, as amended by this Act, applies only to a suit filed on
25 or after the effective date of this Act. A suit filed before the
26 effective date of this Act is governed by the law in effect on the
27 date the suit was filed, and the former law is continued in effect

1 for that purpose.

2 SECTION 19. The changes in law made by Sections 231.1015 and
3 231.1016, Family Code, as amended by this Act, apply only to an
4 administrative adjustment of a support obligation for which notice
5 is filed by the Title IV-D agency on or after the effective date of
6 this Act. An administrative adjustment of a support obligation for
7 which notice is filed by the Title IV-D agency before the effective
8 date of this Act is governed by the law in effect on the date the
9 notice was provided, and the former law is continued in effect for
10 that purpose.

11 SECTION 20. The changes in law made by Sections 231.118(d),
12 232.006(b), 233.006(a), and 233.007(a), Family Code, as amended by
13 this Act, apply only to notice provided or a citation served on or
14 after the effective date of this Act. Notice provided or a citation
15 served before the effective date of this Act is governed by the law
16 in effect on the date the notice was provided or citation was
17 served, as applicable, and the former law is continued in effect for
18 that purpose.

19 SECTION 21. The change in law made by Section 231.104(c),
20 Family Code, as amended by this Act, applies only to the
21 admissibility of evidence in a proceeding commenced on or after the
22 effective date of this Act. The admissibility of evidence in a
23 proceeding that commences before the effective date of this Act is
24 governed by the law in effect on the date the proceeding commenced,
25 and the former law is continued in effect for that purpose.

26 SECTION 22. Not later than December 1, 2025, the Title IV-D
27 agency shall ensure that all Title IV-D brochures published by the

1 agency are available on the agency's Internet website as required
2 by Section 231.121, Family Code, as amended by this Act.

3 SECTION 23. The change in law made by Section 234.012,
4 Family Code, as amended by this Act, applies to information
5 requested on or after the effective date of this Act.

6 SECTION 24. This Act takes effect September 1, 2025.