

By: West

S.B. No. 1403

A BILL TO BE ENTITLED

AN ACT

relating to the collection, modification, and enforcement of child support, and to certain procedures for child support cases and orders.

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 arrearages if the obligee is confined in a local, state, or federal

1 jail or prison for an offense constituting an act of family violence
2 committed against a child covered by the child support order.

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

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

- 14 (1) is frivolous or malicious;
15 (2) fails to state a claim on which relief may be
16 granted; or
17 (3) seeks monetary relief from the agency or employee
18 for which immunity applies.

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

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

1 to amounts that are based on the application of the child support
2 guidelines under Chapter 154 to the obligor's net resources during
3 incarceration.

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

5 (1) state:

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

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

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

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

14 (3) be sent to the party's last known residence
15 address, mailing address, or e-mail address provided to the Title
16 IV-D agency, except that if no updated addresses have been provided
17 to the Title IV-D agency, the notice may be sent to the party's
18 residence address, mailing address, or e-mail address listed in the
19 most recent order on file with the clerk of the court.

20 (d-1) A court may consider due process requirements for
21 notice and service of process to be met with regard to a party
22 affected by an administrative adjustment of a support obligation
23 under this section if notice is provided to the party in compliance
24 with Subsection (d)(3).

25 SECTION 5. Section 231.1016, Family Code, is amended by
26 amending Subsections (c) and (e) and adding Subsections (f-1),
27 (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 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~~

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

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

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

15 (f-3) Notwithstanding Section 105.006, an administrative
16 adjustment order filed under this section may not include the
17 social security number, driver's license number, residence
18 address, mailing address, home telephone number, name of employer,
19 address of employment, or work telephone number of a party if:

20 (1) the court has previously made a finding and
21 ordered nondisclosure under Section 105.006(c) relating to the
22 parties and the order has not been superseded; or

23 (2) the Title IV-D agency indicates in an
24 investigation report filed under Subsection (f-1) that the Title
25 IV-D agency excluded the information of a party from the
26 administrative adjustment order based on a family violence
27 indicator that the Title IV-D agency placed on the case and recorded

1 in the agency's unified enforcement system.

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

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

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

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

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

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

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

27 (1) a pleading filed in the suit requests a finding

1 under Section 105.006(c); or

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

5 SECTION 9. Section 231.121, Family Code, is amended to read
6 as follows:

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

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

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

27 SECTION 11. Section 232.006(b), Family Code, is amended to

1 read as follows:

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

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

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

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

14 (2) as in civil cases generally.

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

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

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

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

24 (3) inform the recipient that if the recipient refuses
25 ~~[may refuse]~~ to participate or ceases ~~[cease]~~ participation in the
26 child support review process, ~~[but]~~ that the recipient's lack of
27 participation ~~[refusal by the recipient to participate]~~ will not

1 prevent the completion of the process or the filing of a child
2 support review order.

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

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

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

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

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

23 SECTION 15. Section 234.012, Family Code, is amended to
24 read as follows:

25 Sec. 234.012. RELEASE OF INFORMATION FROM STATE CASE
26 REGISTRY. Unless prohibited by a court in accordance with Section
27 105.006(c), the state case registry shall, on request under Section

1 [231.301](#) and to the extent permitted by federal law, provide the
2 information required under Sections [105.006](#) and [105.008](#) in any case
3 included in the registry under Section [234.001\(b\)](#) to:

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

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

17 SECTION 17. The changes in law made by Section [231.002\(k\)](#),
18 Family Code, as added by this Act, and Section [233.0155](#), Family
19 Code, as amended by this Act, apply to a child support review order
20 regardless of whether the order was rendered before, on, or after
21 the effective date of this Act.

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

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

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

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

25 SECTION 22. Not later than December 1, 2025, the Title IV-D
26 agency shall ensure that all Title IV-D brochures published by the
27 agency are available on the agency's Internet website as required

1 by Section 231.121, Family Code, as amended by this Act.

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

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