

By: West, et al.

S.B. No. 1923

A BILL TO BE ENTITLED

AN ACT

relating to the modification of certain orders providing for the support of a child.

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

SECTION 1. Section 156.409, Family Code, is amended by amending Subsections (a), (a-1), and (b) and adding Subsection (c) to read as follows:

(a) The court shall, on the motion of a party or a person having physical possession of the child, 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~~] shall 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) been incarcerated or sentenced to be incarcerated for at least 90 days; ~~or~~

(3) relinquished the primary care and possession of the child in a proceeding under Title 3 or Chapter 262; or

(4) entered into an authorization agreement under

1 Chapter 34 with the person having physical possession of the child.

2 (a-1) If the court modifies a support order under this
3 section, the court shall order the obligor to pay the person or
4 entity having physical possession of the child any unpaid child
5 support that is not subject to offset or reimbursement under
6 Section 157.008 and that accrues after the date the sole or joint
7 managing conservator:

8 (1) relinquishes possession and control of the child,
9 whether voluntarily or in a proceeding under Title 3 or Chapter 262;
10 ~~[or]~~

11 (2) is incarcerated; or

12 (3) enters into an authorization agreement under
13 Chapter 34 with the person having physical possession of the child.

14 (b) If a respondent has been ordered under Chapter 105 to
15 provide the court and the state case registry with the respondent's
16 current mailing address or e-mail address, notice ~~[Notice]~~ of a
17 motion for modification or hearing on a motion for modification
18 under this section may be served:

19 (1) in the manner for serving a notice under Section
20 157.065; or

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

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

27 SECTION 2. The change in law made by this Act applies only

1 to a motion for modification of an order providing for the support
2 of a child filed on or after the effective date of this Act. A
3 motion for modification of an order providing for the support of a
4 child filed before the effective date of this Act is governed by the
5 law in effect on the date the motion was filed, and the former law is
6 continued for that purpose.

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