

By: Creighton
(Riddle)

S.B. No. 1726

A BILL TO BE ENTITLED

AN ACT

relating to suits affecting the parent-child relationship and the enforcement of child support.

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

SECTION 1. Section 355.102(e), Estates Code, is amended to read as follows:

(e) Class 4 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 [and reduced to money] judgment or a determination of arrearages by a court under Title 5, Family Code; or

(B) administratively[~~as~~] determined 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 [under Subchapter F, Chapter 157], Family Code;[~~and~~] and

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

SECTION 2. Section 101.031, Family Code, is amended to read as follows:

Sec. 101.031. SUIT. "Suit" means a legal action under this title [~~suit affecting the parent-child relationship~~].

SECTION 3. Section 105.006(c), Family Code, is amended to

read as follows:

(c) If a court finds after notice and hearing that requiring a party to provide the information required by this section to another party is likely to cause the child or a conservator harassment, abuse, serious harm, or injury, or to subject the child or a conservator to family violence, as defined by Section 71.004, the court may:

(1) order the information not to be disclosed to another party; or

(2) render any other order the court considers necessary.

SECTION 4. Section 154.187, Family Code, is amended by amending Subsections (c) and (d) and adding Subsection (i) to read as follows:

(c) An employer who has received an order or notice under this subchapter shall provide to the sender, ~~[by first class mail]~~ not later than the 40th day after the date the employer receives the order or notice, a statement that the child:

(1) has been enrolled in the employer's health insurance plan or is already enrolled in another health insurance plan in accordance with a previous child support or medical support order to which the employee is subject; or

(2) cannot be enrolled or cannot be enrolled permanently in the employer's health insurance plan and provide the reason why coverage or permanent coverage cannot be provided.

(d) If the employee ceases employment or if the health insurance coverage lapses, the employer shall provide to the

1 sender, ~~[by first class mail]~~ not later than the 15th day after the
2 date of the termination of employment or the lapse of the coverage,
3 notice of the termination or lapse and of the availability of any
4 conversion privileges.

5 (i) The notices required by Subsections (c) and (d) must be
6 provided to the sender by first class mail, unless the sender is the
7 Title IV-D agency. Notices to the Title IV-D agency may be provided
8 electronically or via first class mail.

9 SECTION 5. Sections 157.065(a) and (b), Family Code, are
10 amended to read as follows:

11 (a) If a party has been ordered under Chapter 105 to provide
12 the court and the state case registry with the party's current
13 mailing address, notice of a hearing on a motion for enforcement or
14 on a request for a court order implementing a postjudgment remedy
15 for the collection of child support may be served by mailing a copy
16 of the notice to the respondent, together with a copy of the motion
17 or request, by first class mail to the last mailing address of the
18 respondent on file with the court and the registry.

19 (b) The notice may be sent by the clerk of the court, the
20 ~~[movant's]~~ attorney for the movant or party requesting a court
21 order, or any person entitled to the address information as
22 provided in Chapter 105.

23 SECTION 6. Section 157.264(a), Family Code, is amended to
24 read as follows:

25 (a) A money judgment rendered as provided in this subchapter
26 or a judgment for retroactive child support rendered under Chapter
27 154 may be enforced by any means available for the enforcement of a

1 judgment for debts or the collection of child support.

2 SECTION 7. Section 160.302, Family Code, is amended by
3 adding Subsection (d) to read as follows:

4 (d) An acknowledgment of paternity constitutes an affidavit
5 under Section 666(a)(5)(C), Social Security Act (42 U.S.C. Section
6 666(a)(5)(C)).

7 SECTION 8. Section 232.001, Family Code, is amended by
8 adding Subdivision (3-a) to read as follows:

9 (3-a) "Renewal" means any instance when a licensing
10 authority:

11 (A) renews, extends, recertifies, or reissues a
12 license; or

13 (B) periodically certifies a licensee to be in
14 good standing with the licensing authority based on the required
15 payment of fees or dues or the performance of some other mandated
16 action or activity.

17 SECTION 9. Sections 232.0135(b), (c), and (d), Family Code,
18 are amended to read as follows:

19 (b) A licensing authority that receives the information
20 described by Subsection (a) shall refuse to approve ~~accept~~ an
21 application for issuance of a license to the obligor or renewal of
22 an existing license of the obligor until the authority is notified
23 by the child support agency that the obligor has:

24 (1) paid all child support arrearages;

25 (2) made an immediate payment of not less than \$200
26 toward child support arrearages owed and established with the
27 agency a satisfactory repayment schedule for the remainder or is in

1 compliance with a court order for payment of the arrearages;

2 (3) been granted an exemption from this subsection as
3 part of a court-supervised plan to improve the obligor's earnings
4 and child support payments; or

5 (4) successfully contested the denial of issuance or
6 renewal of license under Subsection (d).

7 (c) On providing a licensing authority with the notice
8 described by Subsection (a), the child support agency shall send a
9 copy to the obligor by first class mail and inform the obligor of
10 the steps the obligor must take to permit the authority to approve
11 ~~[accept]~~ the obligor's application for license issuance or renewal.

12 (d) An obligor receiving notice under Subsection (c) may
13 request a review by the child support agency to resolve any issue in
14 dispute regarding the identity of the obligor or the existence or
15 amount of child support arrearages. The agency shall promptly
16 provide an opportunity for a review, either by telephone or in
17 person, as appropriate to the circumstances. After the review, if
18 appropriate, the agency may notify the licensing authority that it
19 may approve ~~[accept]~~ the obligor's application for issuance or
20 renewal of license. If the agency and the obligor fail to resolve
21 any issue in dispute, the obligor, not later than the 30th day after
22 the date of receiving notice of the agency's determination from the
23 review, may file a motion with the court to direct the agency to
24 withdraw the notice under Subsection (a) and request a hearing on
25 the motion. The obligor's application for license issuance or
26 renewal may not be approved ~~[accepted]~~ by the licensing authority
27 until the court rules on the motion. If, after a review by the

1 agency or a hearing by the court, the agency withdraws the notice
2 under Subsection (a), the agency shall reimburse the obligor the
3 amount of any fee charged the obligor under Section 232.014.

4 SECTION 10. Subchapter A, Chapter 406, Government Code, is
5 amended by adding Section 406.026 to read as follows:

6 Sec. 406.026. ELECTRONIC NOTARIZATION. In a proceeding
7 filed under Title 5, Family Code, if a signature is required to be
8 notarized, acknowledged, verified, or made under oath, the
9 requirement may be satisfied if the electronic signature of the
10 person authorized to perform that act, together with all other
11 information required to be included by other applicable law, is
12 attached to or logically associated with the signature required to
13 be notarized, acknowledged, verified, or made under oath.

14 SECTION 11. This Act takes effect September 1, 2015.