

By: Creighton

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 and reduced to money judgment[7] as provided by Section 157.263, Family Code; or

(B) administratively 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 agreed to by the obligor or confirmed by the court; 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

1 read as follows:

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

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

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

11 SECTION 4. Sections 154.187(c) and (d), Family Code, are
12 amended to read as follows:

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

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

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

24 (d) If the employee ceases employment or if the health
25 insurance coverage lapses, the employer shall provide to the
26 sender, ~~[by first class mail]~~ not later than the 15th day after the
27 date of the termination of employment or the lapse of the coverage,

1 notice of the termination or lapse and of the availability of any
2 conversion privileges.

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

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

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

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

19 (a) A money judgment rendered as provided in this subchapter
20 or a judgment for retroactive child support rendered under Chapter
21 154 may be enforced by any means available for the enforcement of a
22 judgment for debts or the collection of child support.

23 SECTION 7. Section 157.319(c), Family Code, is amended to
24 read as follows:

25 (c) This section does not affect the validity or priority of
26 a lien of a health care provider, a lien for attorney's fees in a
27 workers' compensation benefits dispute up to the maximum amount

1 prescribed by Section 408.221(i), Labor Code, or a lien of a holder
2 of a security interest. This section does not affect the assignment
3 of rights or subrogation of a claim under Title XIX of the federal
4 Social Security Act (42 U.S.C. Section 1396 et seq.), as amended.

5 SECTION 8. Section 160.302, Family Code, is amended by
6 adding Subsection (d) to read as follows:

7 (d) An acknowledgment of paternity constitutes an affidavit
8 under Section 666(a)(5)(C), Social Security Act (42 U.S.C. Section
9 666(a)(5)(C)).

10 SECTION 9. Section 232.001, Family Code, is amended by
11 adding Subdivision (3-a) to read as follows:

12 (3-a) "Renewal" means any instance when a licensing
13 authority:

14 (A) renews, extends, recertifies, or reissues a
15 license; or

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

20 SECTION 10. Sections 232.0135(b), (c), and (d), Family
21 Code, are amended to read as follows:

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

27 (1) paid all child support arrearages;

1 (2) made an immediate payment of not less than \$200
2 toward child support arrearages owed and established with the
3 agency a satisfactory repayment schedule for the remainder or is in
4 compliance with a court order for payment of the arrearages;

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

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

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

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

1 the motion. The obligor's application for license issuance or
2 renewal may not be approved [~~accepted~~] by the licensing authority
3 until the court rules on the motion. If, after a review by the
4 agency or a hearing by the court, the agency withdraws the notice
5 under Subsection (a), the agency shall reimburse the obligor the
6 amount of any fee charged the obligor under Section [232.014](#).

7 SECTION 11. Subchapter A, Chapter 406, Government Code, is
8 amended by adding Section 406.026 to read as follows:

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

17 SECTION 12. The changes in law made by this Act apply to a
18 suit affecting the parent-child relationship filed on or after the
19 effective date of this Act. A suit affecting the parent-child
20 relationship filed before the effective date of this Act is
21 governed by the law in effect on the date the suit was filed, and the
22 former law is continued in effect for that purpose.

23 SECTION 13. This Act takes effect September 1, 2015.