

BILL ANALYSIS

S.B. 1726
By: Creighton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that many Texas statutes regarding proceedings relating to suits affecting the parent-child relationship need to be updated or clarified. Currently, portions of law exist that may prescribe redundant or outdated methods for satisfying requirements which can be conducted more efficiently as business processes have modernized. Other sections contain terminology that often requires clarification in order to reaffirm consistency with federal language. Finally, several definitions fail to adequately encompass the enforcement of some delinquent child support actions. S.B. 1726 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1726 amends the Estates Code to clarify, for purposes of the composition of Class 4 claims against an estate, that such claims include claims for the principal amount of and accrued interest on delinquent child support and child support arrearages that have been confirmed as a judgment or a determination of arrearages by a court or administratively determined by the office of the attorney general in a Title IV-D case.

S.B. 1726 amends the Family Code to change the definition of "suit," for purposes of statutory provisions relating to the parent-child relationship and the suit affecting the parent-child relationship, from a suit affecting the parent-child relationship to a legal action under those statutory provisions. The bill includes among the conditions under which a court is authorized to order that certain information not be disclosed to a party to a suit affecting the parent-child relationship that is otherwise required to be included in a final order the condition that the court find, after notice and hearing, that the disclosure of the information is likely to subject the child or conservator to family violence. The bill establishes that the notices regarding enrollment or non-enrollment of a child in an employer's health insurance plan or termination of benefits under the employer's health insurance plan are required to be provided to the sender by first class mail, unless the sender is the office of the attorney general. The bill authorizes notices to the office of the attorney general to be provided electronically or via first class mail.

S.B. 1726 includes a request for a court order implementing a postjudgment remedy for the collection of child support among the documents that may be served by mailing a copy of the request by first class mail to the last mailing address of the respondent on file with the court and

the state case registry. The bill authorizes a judgment for retroactive child support to be enforced by any means available. The bill establishes that an acknowledgment of paternity constitutes an affidavit under provisions of the federal Social Security Act relating to voluntary paternity acknowledgment. The bill defines "renewal," for purposes of statutory provisions relating to the suspension of a license because of certain child support obligations, as any instance when a licensing authority renews, extends, recertifies, or reissues a license or periodically certifies a licensee to be in good standing with the licensing authority based on the required payment of fees or dues or the performance of some other mandated action or activity. The bill specifies that a licensing authority that receives notice that the obligor has failed to pay child support under a support order for six months or more must refuse to approve, rather than accept, an application for issuance of a license to the obligor or renewal of an existing license of the obligor until the authority is notified by the child support agency that the obligor has taken certain corrective measures.

S.B. 1726 amends the Government Code to establish that, for purposes of a proceeding filed under statutory provisions relating to the parent-child relationship and suits affecting the parent-child relationship, if a signature is required to be notarized, acknowledged, verified, or made under oath, the requirement may be satisfied if the electronic signature of the person authorized to perform that act, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature required to be notarized, acknowledged, verified, or made under oath.

EFFECTIVE DATE

September 1, 2015.