

## **BILL ANALYSIS**

S.B. 1676  
By: West  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

There have been calls to update the law pertaining to suits affecting the parent-child relationship and the enforcement of child support. S.B. 1676 seeks to address this issue by, among other things, providing for a child support qualified domestic relations order to satisfy support amounts due under a child support order.

### **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. 1676 amends the Family Code to require a court to order the payment of maintenance in a suit for dissolution of a marriage to the state disbursement unit if an obligor is ordered to pay an obligee maintenance and child support. The bill establishes that incarceration of a child support obligor in a local, state, or federal jail or prison for a period exceeding 180 days is a material and substantial change of circumstances for purposes of the grounds for modification of child support.

S.B. 1676 establishes that a court retains jurisdiction to confirm the total amount of medical support and dental support arrearages and render judgments for past-due medical support and dental support and requires a court, if a motion for enforcement of child support requests a money judgment for those arrearages, to confirm the amount of arrearages and render a cumulative money judgment for the amount of medical support owed and a cumulative money judgment for the amount of dental support owed. The bill sets out the components of such cumulative money judgments and prohibits a court from reducing or modifying the amount of medical or dental support arrearages in rendering a money judgment, while allowing for certain counterclaims or offsets in confirming the amounts.

S.B. 1676 sets out provisions regarding child support qualified domestic relations orders that:

- establish certain courts' continuing jurisdiction to render enforceable qualified domestic relations orders or similar orders permitting payment of employee benefits to an alternate payee or other lawful payee to satisfy support amounts due under the child support order, which includes a temporary or final order for child support, medical support, or dental support and arrears and interest with respect to that order;
- establish that such a court retains jurisdiction to render a qualified domestic relations

order or similar order until all support due under the child support order, including arrearages and interest, has been paid;

- establish that, unless prohibited by federal law, a suit seeking such a qualified domestic relations order or similar order applies to a pension, retirement plan, or other employee benefit, regardless of whether the pension, retirement plan, or other employee benefit meets specified criteria;
- authorize a party to a child support order, or the attorney general's office in a Title IV-D case, to petition the court for a qualified domestic relations order or similar order in an original suit or in an action for child support enforcement and entitle each party whose rights may be affected by the petition to receive notice of a hearing regarding the petition;
- authorize the court, while a suit for a qualified domestic relations order or similar order is pending or during an appeal of an enforcement order, and on the motion of a party or on the court's own motion after notice and hearing, to render an appropriate order, including the granting of a temporary restraining order and temporary injunction, for the preservation of the pension, retirement plan, or other employee benefits and protection of the parties as the court considers necessary and establish that such an order is not subject to interlocutory appeal;
- establish a court's continuing jurisdiction if a plan administrator or other person acting in an equivalent capacity determines that a domestic relations order does not satisfy the requirements of a qualified domestic relations order or similar order;
- establish a court's continuing jurisdiction to amend the qualified domestic relations order or similar order for specified purposes and require submission of such an amended order to the plan administrator or other person for certain compliance review;
- provide for the liberal construction of these bill provisions to effect payment of pension, retirement plan, or other employee benefits for the satisfaction of the obligor's child support obligation; and
- provide for the payment by the obligor and enforcement of reasonable attorney's fees incurred by a party to obtain the order, all court costs, and all fees charged by a plan administrator for the qualified domestic relations order or similar order.

S.B. 1676 increases from within 20 days to within 30 days the period within which a hearing to contest the validity or enforcement of a registered support order or income-withholding order issued in another state must be requested by the nonregistering party after notice to the party. The bill replaces the requirement for a court that orders the withholding of income for child support to order all such income to be paid to the state disbursement unit with a requirement for a court that orders child support payment under a temporary or final order to order all such payments to be paid to that unit, including any child support that the court orders an employer to withhold from the obligor's income.

S.B. 1676 amends the Labor Code to require the state or a political subdivision, before the payment of a judgment against either such entity relating to workers' compensation insurance coverage for employees, to comply with the insurance reporting requirements of the attorney general regarding child support liens and the Family Code child support lien provisions. The bill establishes that any delay in complying with the judgment due to that compliance does not subject the state or political subdivision to an award of a penalty or certain reasonable attorney's fees.

S.B. 1676 amends the Property Code to require a disclaimer of an interest in property made by an individual to contain a sworn statement regarding whether the disclaimant is a child support obligor whose disclaimer is barred as provided by applicable law.

**EFFECTIVE DATE**

September 1, 2019.