

- SUBJECT:** Administrative writs of withholding by DROs for child support
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 5 ayes — Dutton, Goodman, Castro, Nixon, Strama  
0 nays  
4 absent — Y. Davis, Dunnam, J. Moreno, Thompson
- WITNESSES:** For — Cecilia Burke, Texas Association of Domestic Relations Offices;  
Roy Getting, Texas Father’s Alliance  
Against — None
- BACKGROUND:** A writ of withholding is a document issued to an employer indicating that a portion of an employee’s earnings must be withheld by court order for payment of child support. Currently, the Office of the Attorney General is the only agency authorized to issue administrative writs of withholding. The writs can be issued at any time until all current support, including medical support and child support arrearages, have been paid.  
  
A domestic relations office (DRO) is a county office that serves families, county departments, and courts. Under Family Code, sec. 203.004, DROs have the authority to collect and disburse child support payments ordered by a court, maintain records of payments and disbursements, and file suits concerning paternity, enforcement, or modification of child support orders. These offices are governed by administering entities, including county commissioners courts, district judges, and juvenile boards, and are authorized to assess and collect fees. DROs must petition the courts for judicial writs of withholding to enforce child support orders.
- DIGEST:** HB 1182 would permit a DRO to issue and deliver administrative writs of withholding in proceedings in which the office was providing child support enforcement services. The bill also would allow administering entities to authorize DROs to assess and collect fees as reimbursement for costs incurred from filing administrative writs of withholding.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

HB 1182 would improve timely child support collection or termination of child support obligation by allowing DROs to issue administrative writs of withholding. Income withholding has become the primary tool for collecting child support and currently is mandated in all child support cases. The ability to quickly begin withholding child support from an obligor's income, or to terminate existing withholding once child support no longer is owed, is vital to all parents with child support orders.

DROs currently must petition the court to issue a judicial writ of withholding for enforcement of a child support order. HB 1182 would remove this step and allow a DRO immediately to issue an administrative writ, which would speed up the collection process and ensure that more children receive d financial support.

Also, upon a child's emancipation, DROs would be able to terminate the withholding order more expeditiously. Parents who have satisfied their child support obligations often find themselves paying hundreds or even thousands of dollars of extra support while awaiting the termination of a withholding order. Although many withholding orders have built-in provisions telling an employer when they should stop withholding, many employers wait until they receive a new order specifically instructing them to do so. DROs would be able to terminate such orders without seeking judicial writs of withholding.

DROs already execute judicial wage withholding orders, so the ability to issue the writ would be a logical next step that would save time spent petitioning the courts. It also would save the court system time and manpower.

**OPPONENTS  
SAY:**

No apparent opposition.