

SUBJECT: Modifying the adjusted computation period for child support guidelines

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 10 ayes — Hunter, Hughes, Alonzo, Hartnett, Jackson, Leibowitz, Lewis, Madden, Martinez, Woolley

0 nays

1 absent — Branch

SENATE VOTE: On final passage, March 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: (*On House companion bill, HB 4227:*)
For — (*Registered, but did not testify:* Eric Robertson, Texas Family Law Foundation)

Against — None

On — (*Registered, but did not testify:* Alicia Key, Office of the Attorney General)

BACKGROUND: Family Code, sec. 154.125 provides child support guidelines for situations in which the obligor's monthly net resources are \$7,500 or less, a dollar amount adjusted every six years to reflect inflation. Current law requires the Attorney General's Office, as the Title IV-D agency, to compute the adjusted amount based on the percentage change in the consumer price index during the preceding six-year period, as rounded to the nearest \$50 increment. The agency must publish the adjusted amount in the *Texas Register* before September 1 of the year in which the adjustment takes effect.

DIGEST: SB 517 would amend Family Code, sec. 154.125(a-1) to modify the time period for which the Attorney General's Office, as the Title IV-D agency, would compute the inflation-adjusted dollar amount of an obligor's monthly net resources in order to determine whether the child support guidelines would apply. The agency would have to compute the amount

based on the percentage change in the consumer price index during the 72-month period preceding March 1 of the year of the adjustment.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

SB 517 would correct an oversight in the Family Code by providing a clearly defined period — the 72 months, preceding March 1 of the year the change would be made — with which the Attorney General’s Office, as the Title IV-D agency, would compute the inflation-adjusted dollar amount of a child support obligor’s monthly net resources for the purposes of the child support guidelines. Current law does not provide an exact start or end date for this time period. This bill would establish a clear and consistent adjustment computation period.

The bill also would resolve a future publication problem that would have prevented the publication of the adjusted amount in the *Texas Register* before September 1, 2013, the next scheduled adjustment date. Since the federal Bureau of Labor Statistics does not release CPI data for the previous month until two weeks after the end of the month, the CPI data for August 2013 would not be available until mid-September. This would have made publication of the agency’s proposed adjustment in the *Texas Register* by September 1, 2013 not feasible, because the agency’s adjustment computation period would have ended by August 31.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, HB 4227 by Jackson, was reported favorably, without amendment, by the House Judiciary and Civil Jurisprudence Committee on April 22 and recommended for the Local, Consent, and Resolutions Calendar.