

## **BILL ANALYSIS**

Senate Research Center

S.B. 416  
By: Harris  
Jurisprudence  
3-5-97  
As Filed

### **DIGEST**

Currently, the child support enforcement program is administered by the office of the attorney general. This division establishes child support obligations and enforces payments for eligible families throughout the state. This division has grown considerably since federal requirements which govern states' child support programs have been added. This bill will create the Child Support Collection Privatization Council and authorize the private enforcement and collection of child support payments.

### **PURPOSE**

As proposed, S.B. 416 creates the Child Support Collection Privatization Council and authorizes the private enforcement and collection of child support payments.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 231B, Family Code, by adding Section 231.1015, as follows:

Sec. 231.1015. REFERRAL TO PRIVATE COLLECTOR. Requires the attorney general, if the attorney general is unable to establish compliance under an order or agreement for the payment of child support on or before the 120th day after the date the order is entered or the agreement is reached, to refer the account to a private collector under Chapter 233.

SECTION 2. Amends Title 5D, Family Code, by adding Chapter 233, as follows:

#### **CHAPTER 233. PRIVATE CHILD SUPPORT COLLECTION SERVICES**

Sec. 233.001. DEFINITIONS. Defines "account," "agreement," "contract," "council," "order," and "private collector."

Sec. 233.002. COUNCIL. Provides that the Child Support Collection Privatization Council (council) consists of the attorney general, the comptroller, and the executive director of the Texas Department of Human Services.

Sec. 233.003. POWERS AND DUTIES OF COUNCIL. Requires the council to take certain actions. Authorizes the powers and duties under this section to be performed by the members of the council or by employees of the state agencies represented by the council members.

Sec. 233.004. REGIONS. Requires the council to divide the state into not fewer than six and not more than 10 regions for the purpose of administering this chapter. Requires the council, in designating regions under this section, to consider the total dollar amount of outstanding child support in each part of the state and attempt to make the dollar amount of outstanding collection equal in each region.

Sec. 233.005. CONTRACT; ELIGIBILITY. Sets forth contract and eligibility requirements

for a contract with a private collector.

Sec. 233.006. FEES. Sets forth fee requirements for a contract under this section.

Sec. 233.007. COMPLIANCE. Authorizes the council to require an account to be returned to the attorney general for enforcement if a private collector is unable to bring a person liable for the payment of child support into material compliance with the order or agreement before the first anniversary of the date the account was referred to the private collector by the council. Requires a private collector to continue to pursue collection of outstanding delinquent child support payments until the expiration of the private collector's contract if the private collector brings a person liable for the payment of child support into compliance with the order or agreement for current child support payments but is unable to collect delinquent child support.

Sec. 233.008. CHILD SUPPORT COLLECTION AGREEMENT. Sets forth requirements for an agreement between the attorney general or private collector and a person liable for the payment of child support.

Sec. 233.009. ENFORCEMENT OF AGREEMENT. Sets forth procedures for enforcement of an agreement.

SECTION 3. (a) Effective date: September 1, 1997.

(b) Requires the council to develop criteria for the selection of private collectors, divide the state into regions, and issue a request for proposal for the selection of private collectors on or before December 1, 1997.

(c) Requires the council to select and contract with a private collector for each region of the state on or before March 1, 1998.

SECTION 4. Emergency clause.