

BILL ANALYSIS

Senate Research Center

C.S.S.B. 416
By: Harris
Jurisprudence
4-8-97
Committee Report (Substituted)

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 Texas Family Support Commission to enforce and collect child support payments.

PURPOSE

As proposed, C.S.S.B. 416 creates the Texas Family Support Commission to enforce and collect child support payments.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Family Support Commission in SECTION 1 (Sections 233.07(b) and (d), 233.101(a), and 233.104(f), Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 5D, Family Code, by adding Chapter 233, as follows:

CHAPTER 233. TEXAS FAMILY SUPPORT COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 233.001. DEFINITION. Defines "commission."

Sec. 233.002. COMMISSION. Provides that the Texas Family Support Commission (commission) is an agency of the state.

Sec. 233.003. SUNSET PROVISION. Provides that the commission is subject to Chapter 325, Government Code. Provides that, unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2009.

Sec. 233.004. COMPOSITION OF COMMISSION. Sets forth composition of the commission.

Sec. 233.005. CONFLICT OF INTEREST. Sets forth standard language developed by the Sunset Commission regarding conflicts of interest.

Sec. 233.006. REMOVAL OF COMMISSION MEMBERS. Sets forth standard language developed by the Sunset Commission regarding the removal of commission members.

Sec. 233.007. PRESIDING OFFICER; MEETINGS; COMPENSATION. Sets forth regulations regarding the presiding officer of the commission, meetings of the commission, and compensation for commission members. Requires the commission to hold regular meetings as least quarterly and special meetings at the call of the presiding officer or as provided by commission rule.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 233.101. GENERAL POWERS AND DUTIES. Authorizes the commission to adopt rules for the administration of the commission's powers and duties. Sets forth powers and duties of the commission.

Sec. 233.102. STRATEGIC PLAN FOR FAMILY SUPPORT SERVICES. Requires the commission to develop a strategic plan identifying alternatives for the delivery of family support services. Sets forth regulations for the development of the strategic plan. Provides that this chapter does not require the commission to implement any program or alternative for which funds are not appropriated in accordance with law.

Sec. 233.103. VISITATION PROGRAMS. Requires the commission to administer programs to support and facilitate noncustodial parents' access to their children.

Sec. 233.104. PERSONNEL. Sets forth regulations regarding commission personnel.

Sec. 233.105. DUTIES OF EXECUTIVE DIRECTOR. Sets forth duties of the executive director of the commission.

Sec. 233.106. EMPLOYMENT OF ATTORNEYS. Authorizes the commission to employ legal counsel to represent the state or the commission in civil suits and in appellate proceedings other than before the Supreme Court of Texas. Authorizes an attorney employed by the commission to initiate a civil suit for the commission, intervene in pending litigation on behalf of the commission, or otherwise represent the commission in the courts of this state or in the courts of the United States.

Sec. 233.107. CAREER LADDER; ANNUAL PERFORMANCE EVALUATIONS. Sets forth standard language developed by the Sunset Commission regarding an intra-agency career ladder program and annual performance evaluations.

Sec. 233.108. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT. Sets forth standard language developed by the Sunset Commission regarding the development of an equal employment opportunity policy statement.

Sec. 233.109. FISCAL REPORT. Requires the commission to file annually with certain persons a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding fiscal year. Requires the annual report to be in the form and reported in the time provided by the General Appropriations Act.

Sec. 233.110. PUBLIC INTEREST INFORMATION AND COMPLAINTS. Sets forth regulations regarding the preparation of information of public interest and complaint procedures.

SECTION 2. Amends Section 102.007, Family Code, to authorize a Title IV-D agency or a political subdivision contracting with a Title IV-D agency, rather than the attorney general, to provide Title IV-D services under this title to file a child support action authorized under this title, including a suit for modification or a motion for enforcement. Provides that the Title IV-D agency is not required to obtain the consent of the attorney general before the agency files an action under this title.

SECTION 3. Amends Section 102.009(d), Family Code, to make a conforming change.

SECTION 4. Amends Section 231.001, Family Code, to make a conforming change.

SECTION 5. Amends Sections 231.0011(a)-(g) and (i)-(k), Family Code, to delete a provision requiring a work group for a Title IV-D agency to report to certain persons the results of the group's deliberations. Deletes a provision requiring the attorney general to adopt rules to implement this section. Makes conforming and nonsubstantive changes.

SECTION 6. Amends the heading of Section 231.205, Family Code, as follows:

Sec. 231.205. New heading: LIMITATIONS ON LIABILITY OF TITLE IV-D AGENCY FOR AUTHORIZED FEES AND COSTS.

SECTION 7. Amends Sections 21.007(e) and (f), Government Code, to authorize the presiding judges of certain courts to contract with the commission. Makes conforming and nonsubstantive changes.

SECTION 8. Amends Sections 466.407(a) and (c), Government Code, to delete a reference to the state treasurer. Makes conforming changes.

SECTION 9. Amends Section 192.003(g), Health and Safety Code, to make a conforming change.

SECTION 10. Amends Section 521.044(a), Transportation Code, to make a conforming change.

SECTION 11. Amends Section 2(a), Article 4413(29ee), V.T.C.S., to make conforming changes.

SECTION 12. Sets forth regulations regarding the initial appointment of members to the commission. Requires the commission to employ an executive director in accordance with Chapter 233, Family Code, as added by this Act, not later than November 1, 1997. Sets forth regulations regarding the transition committee for the commission. Sets forth regulations for the development of a plan for the identification and transfer of the records, personnel, property, and unspent appropriations of the Office of the Attorney General that are used by that office on the effective date of this Act to conduct the office's child support enforcement responsibilities.

SECTION 13. (a) Provides that on January 1, 1998, or an earlier date as determined by the transition committee of the commission, the child support enforcement division of the Office of the Attorney General is abolished. Provides that on that date, the powers, duties, obligations, rights, contracts, records, personnel, property, and unspent appropriations of the Office of Attorney General identified by the plan developed by the transition committee of the commission are transferred to the commission. Provides that on the date the plan developed by the transition committee of the commission is implemented under this section, the transition committee is abolished.

(b) Makes application of this Act prospective.

(c) Provides that all complaints, proceedings, and investigations before the child support enforcement division of the Office of Attorney General are transferred without change in status to the commission.

SECTION 14. Requires the commission, on the date a majority of the members of the commission take office, to assume the duties previously assigned to the attorney general under Section 231.0011, Family Code. Requires a requirement under Section 231.0011, Family Code, that the attorney general perform a duty by a date specified by that section that the attorney general has not performed or completed on or before the effective date of this Act to become a duty of the commission on that date.

SECTION 15. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating Clause.

Amends the relating clause to state "relating to the enforcement and collection of child support payments.

SECTION 1.

Deletes proposed SECTIONS 1-3.

Adds Sections 233.001-233.110, Family Code, to create and provide regulations for the commission.

SECTION 2.

Amends Section 102.007, Family Code, to delete a reference to the attorney general, and replace it with a Title IV-D agency regarding providing Title IV-D services. Provides that a Title IV-D agency is not required to obtain the consent of the attorney general before the agency files an action under this title.

SECTION 3.

Amends Section 120.009(d), Family Code, to make a conforming change.

SECTION 4.

Amends Section 231.001, Family Code, to make a conforming change.

SECTION 5.

Amends Sections 231.0011(a)-(g) and (i)-(k), Family Code, to delete a provision regarding a report by a work group of Title IV-D agency. Makes conforming and nonsubstantive changes.

SECTION 6.

Amends the heading of Section 231.205, Family Code, to make a conforming change.

SECTION 7.

Amends Sections 21.007(e) and (f), Government Code, to make conforming and nonsubstantive changes.

SECTION 8.

Amends Sections 466.407(a) and (c), Government Code, to make conforming changes.

SECTION 9.

Amends Sections 192.003, Health and Safety Code, to make a conforming change.

SECTION 10.

Amends Section 521.044(a), Transportation Code, to make a conforming change.

SECTION 11.

Amends Section 2(a), Article 4413(29ee), V.T.C.S., to delete a reference to the state treasurer and to make a conforming change.

SECTION 12.

Adds text regarding the initial appointment of members to the commission.

SECTION 13.

Adds text regarding the abolishment of the child support enforcement division of the Office of the Attorney General and the transference of its powers, duties, obligations, rights, contracts, records, personnel, property, and unspent appropriations to the commission. Sets forth regulations regarding the development of a plan by a transition committee to facilitate this transfer.

SECTION 14.

Adds text requiring the commission to assume the certain duties previously assigned to the attorney general and makes application of this Act prospective.

SECTION 15.

Redesignates SECTION 4 as SECTION 15 and provides the effective date.