

BILL ANALYSIS

Senate Research Center
77R7274 YDB-F

H.B. 769
By: King, Phil (West)
Jurisprudence
3/26/2001
Engrossed

DIGEST AND PURPOSE

Current law authorizes a district clerk to charge a filing fee for both an order of withholding that establishes the amount of child support to be withheld by an employer and an application for judicial writ of withholding when an arrearage occurs. However, a clerk is not authorized to charge a filing fee for an administrative writ of withholding to enforce an existing order when arrearages occur. An administrative writ may be sent to a new employer each time the obligor changes employment which can result in several writs for the same case being filed with the district clerk. As a result, in larger counties where many writs are filed, it has become necessary to increase staff to meet the mandated clerical functions. As proposed, H.B. 769 requires the designated Title IV-D agency, the Office of the Attorney General, to pay a filing fee for an administrative writ of withholding regarding child support.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 158.503, Family Code, to authorize the clerk of the court to charge a reasonable fee not to exceed \$15 for filing an administrative writ under this section.

SECTION 2. Amends Section 231.202, Family Code, to require the Title IV-D agency, in a Title IV-D case filed under this title, to pay the fee for filing an administrative writ of withholding under Section 158.503(d).

SECTION 3. Effective date: September 1, 2001.
Makes application of this Act prospective.