

BILL ANALYSIS

Senate Research Center
78R10526 KLA-D

H.B. 674
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Jurisprudence
5/20/2003
Engrossed

DIGEST AND PURPOSE

Currently, through the Family Support Act of 1998, non-custodial parents who experience a reduction in income are able to request a decrease in their child support obligation by getting downward modifications; however, only a few state agencies work to implement this policy since they are federally reimbursed for every child-support dollar they collect. Civilians called up for active military duty must often leave the private sector to fulfill their military obligations, which may entail a pay cut. H.B. 674 implements a provision for obtaining a modification in child support when military personnel are called up for active duty.

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 Subchapter E, Chapter 156, Family Code, by adding Section 156.410, as follows:

Sec. 156.410. CHANGE IN CIRCUMSTANCES RESULTING FROM MILITARY SERVICE. (a) Provides that for purposes of Section 156.401(a)(1), the fact that an obligor has been called into active military service in any branch of the United States armed forces is a material and substantial change in circumstances if that active military service is for at least 30 consecutive days and results in a decrease in the obligor's net resources during the period of service.

(b) Requires a motion for modification under Subsection (a) to be accompanied by the affidavit of the obligor's commanding officer that states certain facts.

(c) Provides that return of the obligor from the active military service described by Subsection (a) is a material and substantial change in circumstances for purposes of Section 156.401(a)(1) for which an obligee may file a motion for modification of a child support order if the court previously modified the order on the grounds described by Subsection (a).

SECTION 2. Provides that the change in law made by Section 156.410, Family Code, as added by this Act, applies to a suit for modification of a child support order that is filed on or after the effective date of this Act. Provides that a suit for modification that is filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2003.