

BILL ANALYSIS

Senate Research Center
79R9251 JMM-D

H.B. 2408
By: Bonnen (Wentworth)
Jurisprudence
5/13/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, it is unclear whether a court clerk has the authority to issue an order or judicial writ of withholding to a child support obligor's employer via electronic transmission. Current law authorizes the order or writ to be sent by first class mail, certified or registered mail, or service of citation.

H.B. 2408 clearly states that in addition to methods of delivery currently allowed under law, a clerk of court may deliver a certified order or judicial writ of withholding to an employer via facsimile transmission or email confirmed by proof of receipt.

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 158.105, Family Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Requires the clerk to issue and deliver, rather than mail, the certified copy of the order of judicial writ within a certain timeframe.

(c) Requires an order or judicial writ of withholding, if requested, to be delivered by electronic transmission, including electronic mail or facsimile transmission.

(d) Authorizes the clerk to deliver an order or judicial writ of withholding under Subsection (c) by electronic mail if the employer has an electronic mail address or by facsimile transmission if the employer is capable of receiving documents transmitted in that manner. Requires the clerk, if delivery is accomplished by electronic mail, to request acknowledgment of receipt from the employer or use an electronic mail system with a read receipt capability. Requires the clerk's facsimile machine, if delivery is accomplished by facsimile transmission, to create a delivery confirmation report.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.