

## **BILL ANALYSIS**

Senate Research Center

H.B. 773  
By: Dutton et al. (Harris)  
Jurisprudence  
5/18/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current child support guideline in use today typically generate awards that are much higher than they would be if based on economically sound cost concepts and with an equal duty of support for both parents.

These guidelines do not conform to equitable standard of living outcomes. Specifically current guidelines have presumptive awards that exceed child costs to such an extent that in many cases where the custodial parent has significantly lower gross income than the non-custodial parent, the custodial parent still receives a significantly higher standard of living than the non-custodial parent.

In other cases where the custodial parent has significantly higher gross income than the non-custodial parent, the presumptive award boosts the custodial parent's relative standard of living rather than narrowing it.

H.B. 773 requires a court, if a party alleges that application of the guidelines would be unjust or inappropriate, to determine whether the application of the guidelines would be unjust or inappropriate under the circumstances.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 154.122, Family Code, as follows:

Sec. 154.122. New heading: APPLICATION OF GUIDELINES REBUTTABLY PRESUMED TO BE IN BEST INTEREST OF CHILD. (a) Provides that this subsection is subject to Subsection (b).

(b) Requires a court, rather than authorizes a court, if a party alleges that application of the guidelines would be unjust or inappropriate, to determine whether the application of the guidelines would be unjust or inappropriate under the circumstances. Requires the court, in making the determination, to consider all evidence relevant to the factors specified by Sections 154.123(b)(2) (requiring the court, in determining whether application of the guidelines would be unjust or inappropriate, to consider the ability of the parents to contribute to the support of the child) and 154.123(b)(5) (requiring the court, in determining whether application of the guidelines would be unjust or inappropriate, to consider the amount of the obligee's net resources), as well as any other factor specified by Section 154.123(b) (requiring the court, in determining whether application of the guidelines would be unjust or inappropriate under the circumstances to consider evidence of all relevant factors).

SECTION 2. Makes application of Section 154.122, Family Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2007.