

BILL ANALYSIS

Senate Research Center
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H.B. 2621
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when a person is eligible to receive an inheritance, the person is allowed to disclaim that inheritance if that person chooses not to receive it. Unfortunately, this can have adverse effects on the ability to collect child support payments in some cases, because a disclaimer technically prevents the noncustodial parent from ever having legal ownership of the inheritance. It is then possible for the inheritance to pass to the next closest of kin who can then hold the inheritance in trust for the benefit of the noncustodial parent, thus defeating the purpose and intent of child support laws. This would seem to be an oversight in Texas law regarding child support.

H.B. 2621 stops a disclaimer of inheritance if it would prevent the collection of child support payments.

H.B. 2621 amends current law relating to disclaimers of estate property by certain beneficiaries.

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 122.051, Estates Code, as effective January 1, 2014, as follows:

Sec. 122.051. New heading: FORM AND CONTENTS. (a) Creates this subsection from existing text and makes no further change.

(b) Requires that a disclaimer of property receivable by a beneficiary include a statement regarding whether the beneficiary is a child support obligor described by Section 122.107.

SECTION 2. Amends Subchapter C, Chapter 122, Estates Code, as effective January 1, 2014, by adding Section 122.107, as follows:

Sec. 122.107. ATTEMPTED DISCLAIMERS BY CERTAIN CHILD SUPPORT OBLIGORS INEFFECTIVE. (a) Provides that a disclaimer made by a beneficiary who is a child support obligor of estate property that could be applied to satisfy the beneficiary's child support obligation is not effective if the beneficiary owes child support arrearages that have been:

(1) administratively determined by the Title IV-D agency as defined by Section 101.033 (Title IV-D Agency), Family Code, in a Title IV-D case as defined by Section 101.034 (Title IV-D Case), Family Code; or

(2) confirmed and reduced to judgment as provided by Section 157.263 (Confirmation of Arrearages), Family Code.

(b) Authorizes the child support obligee to whom the child support arrearages are owed to enforce the child support obligation by a lien or by any other remedy provided by law after distribution of estate property to a beneficiary described by Subsection (a).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: January 1, 2014.