

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1726  
By: Creighton  
State Affairs  
4/23/2015  
Committee Report (Substituted)

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

Currently, many Texas statutes relating to the proceedings of a suit filed under the Texas Family Code need updating or further clarification. Across the codes, portions of law exist that prescribe redundant or outdated methods for satisfying requirements which can be conducted more efficiently as business processes have modernized. Other sections contain terminology that require clarification in order to reaffirm consistency with federal language. Finally, several definitions fail to adequately encompass the enforcement of some delinquent child support actions.

S.B. 1726 amends Chapter 355 (Presentment and Payment of Claims) of the Estates Code relating to claims made for delinquent child support payments against the estate of a deceased obligor.

S.B. 1726 amends several chapters of the Family Code to clarify and update statutes related to establishment and enforcement of child support obligations in suits affecting the parent-child relationship.

S.B. 1726 amends Chapter 406 (Notary Public; Commissioner of Deeds) of the Government Code to allow for the acceptance of electronic notarization of signatures in proceedings filed under Title 5, Family Code. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1726 amends current law relating to suits affecting the parent-child relationship and the enforcement of 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 355.102(e), Estates Code, as follows:

(e) Provides that Class 4 claims are composed of claims:

(1) for the principal amount of an accrued interest on delinquent child support and child support arrearages that have been:

(A) confirmed as a judgment or a determination of arrearages by a court under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code; or

(B) 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, and

(2) for unpaid child support obligations, rather than claims for unpaid child support obligations, under Section 154.015 (Acceleration of Unpaid Child Support Obligation), Family Code.

Deletes existing text providing that Class 4 claims are composed of claims for the principal amount of an accrued interest on delinquent child support and child support arrearages that have been confirmed and reduced to money judgment, as determined under Subchapter F (Judgment and Interest), Chapter 157 (Enforcement), Family Code, and claims for unpaid child support obligations under Section 154.015, Family Code.

SECTION 2. Amends Section 101.031, Family Code, to redefine “suit.”

SECTION 3. Amends Section 105.006(c), Family Code, to authorize the court, if a court finds after notice and hearing that requiring a party to provide the information required by this section to another party is likely to cause the child or a conservator harassment, abuse, serious harm, or injury, or to subject the child or a conservator to family violence, as defined by Section 71.004, to order the information not to be disclosed to another party, or render any other order the court considers necessary.

SECTION 4. Amends Section 154.187, Family Code, as follows:

(c) and (d) Deletes references to first class mail.

(i) Requires that the notices required by Subsections (c) and (d) be provided to the sender by first class mail, unless the sender is the Title IV-D agency. Provides that notices to the Title IV-D agency may be provided electronically or via first class mail.

SECTION 5. Amends Sections 157.065(a) and (b), Family Code, as follows:

(a) Authorizes notice of a hearing on a motion for enforcement or on a request for a court order implementing a postjudgment remedy for the collection of child support, if a party has been ordered under Chapter 105 (Settings, Hearings, and Orders) to provide the court and the state case registry with the party's current mailing address, to be served by mailing a copy of the notice to the respondent, together with a copy of the motion or request, by first class mail to the last mailing address of the respondent on file with the court and the registry.

(b) Authorizes the notice to be sent by the clerk of the court, the attorney, rather than the movant's attorney, for the movant or party requesting a court order, or any person entitled to the address information as provided in Chapter 105.

SECTION 6. Amends Section 157.264(a), Family Code, to authorize a money judgment rendered as provided in this subchapter or a judgment for retroactive child support rendered under Chapter 154 (Child Support) to be enforced by any means available for the enforcement of a judgment for debts or the collection of child support.

SECTION 7. Amends Section 160.302, Family Code, by adding Subsection (d), to provide that an acknowledgment of paternity constitutes an affidavit under Section 666(a)(5)(C), Social Security Act (42 U.S.C. Section 666(a)(5)(C)).

SECTION 8. Amends Section 232.001, Family Code, by adding Subdivision (3-a), to define “renewal.”

SECTION 9. Amends Sections 232.0135(b), (c), and (d), Family Code, to change references to accept to approve.

SECTION 10. Amends Subchapter A, Chapter 406, Government Code, by adding Section 406.026, as follows:

Sec. 406.026. ELECTRONIC NOTARIZATION. Provides that the requirement may be satisfied if the electronic signature of the person authorized to perform that act, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature required to be notarized, acknowledged, verified, or made under oath, in a proceeding filed under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code, if a signature is required to be notarized, acknowledged, verified, or made under oath

SECTION 11. Effective date: September 1, 2015.