

BILL ANALYSIS

Senate Research Center

S.B. 1727
By: Creighton
State Affairs
7/23/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Office of the Attorney General (OAG) administers the State's Title IV-D Program, also known as the Child Support Division, a federally funded program by which Texas collects, enforces, and distributes child support. While Texas must ensure compliance with federal regulations in order to maintain this authority, Texas continuously looks for ways to streamline processes and eliminate redundancies with the goal to provide faster service delivery to children and families. The courts and OAG have an integrated role in this undertaking.

As jobs and parenting arrangements can be subject to change, maintaining the most current employment and child placement information is critical in assessing whether a child and parent are receiving adequate financial support.

S.B. 1727 provides the Child Support Division with the ability to adjust child support orders with greater efficiency and enhanced consistency in courts across the State by amending several chapters of the Family Code.

S.B. 1727 amends current law relating to the duties of the Title IV-D agency regarding the establishment, collection, and 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 108.001(d), Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, to authorize the Title IV-D agency, in a Title IV-D case, to transmit the record and information specified by Subsection (a) (requiring the clerk of the court to transmit to the bureau of vital statistics a certified record of the order rendered in the suit that includes certain information) directly to the vital statistics unit, rather than to the vital statistics unit with a copy to the clerk of the court on request by the clerk.

SECTION 2. Amends Section 231.101(d), Family Code, to authorize the Title IV-D agency, if the Title IV-D agency determines that the primary care and possession of the child has changed, to file a petition for modification under Chapter 156 (Modification).

SECTION 3. Amends Section 231.108(a), Family Code, to provide that, except as provided by Subsection (c) (authorizing a Title IV-D agency to release certain information), all files and records of services provided by the Title IV-D agency under this title, rather than chapter, including information concerning a custodial parent, a noncustodial parent, a child, or an alleged or presumed father, are confidential. Makes a nonsubstantive change.

SECTION 4. Amends Section 231.302(b), Family Code, to require a government agency, private company, institution, or other entity to provide the information requested under Subsection (a) (authorizing a Title IV-D agency to obtain certain information) directly to the Title IV-D agency not later than the seventh day after the request to obtain information is received, without the requirement of payment of a fee for the information, and, subject to safeguards on privacy and

information security, to provide the information in the most efficient and expeditious manner available, including electronic or automated transfer and interface.

SECTION 5. Amends Section 233.013(b), Family Code, as follows:

(b) Authorizes the Title IV-D agency, if grounds exist for modification of a child support order under Subchapter E (Modification of Child Support), Chapter 156, to file an appropriate child support review order, including an order that has the effect of modifying an existing court or administrative order for child support without the necessity of filing a motion to modify. Deletes existing authorizing the Title IV-D agency to, if it has been three years since a child support order was rendered or last modified and the amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded under the child support guidelines, to file an appropriate child support review order, including an order that has the effect of modifying an existing court or administrative order for child support without the necessity of filing a motion to modify.

SECTION 6. Amends Section 233.028(c), Family Code, to require the Title IV-D, if a party denies parentage of a child whose parentage has not previously been acknowledged or adjudicated, to order parentage testing and give each party notice of the time and place of testing.

SECTION 7. Amends Section 234.101(1), Family Code, to redefine "employee" by adding reference to an independent contractor as defined by the Internal Revenue Service.

SECTION 8. (a) Provides that Section 108.001, Family Code, as amended by this Act, applies only to the transmission of a record and information to the vital statistics unit of the Department of State Health Services on or after the effective date of this Act.

(b) Provides that Section 231.302, Family Code, as amended by this Act, applies only to a request for information that is received on or after the effective date of this Act.

SECTION 9. Effective date: September 1, 2015.