

1-1 By: Creighton S.B. No. 1726  
 1-2 (In the Senate - Filed March 13, 2015; March 24, 2015, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 April 28, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 28, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1726 By: Schwertner

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to suits affecting the parent-child relationship and the  
 1-22 enforcement of child support.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 355.102(e), Estates Code, is amended to  
 1-25 read as follows:

1-26 (e) Class 4 claims are composed of claims:

1-27 (1) for the principal amount of and accrued interest  
 1-28 on delinquent child support and child support arrearages that have  
 1-29 been:

1-30 (A) confirmed as a ~~[and reduced to money]~~  
 1-31 judgment or a determination of arrearages by a court under Title 5,  
 1-32 Family Code; or

1-33 (B) administratively ~~[, as]~~ determined by the  
 1-34 Title IV-D agency, as defined by Section 101.033, Family Code, in a  
 1-35 Title IV-D case, as defined by Section 101.034 ~~[under Subchapter F,~~  
 1-36 ~~Chapter 157]~~, Family Code; ~~[,]~~ and

1-37 (2) ~~[claims]~~ for unpaid child support obligations  
 1-38 under Section 154.015, Family Code.

1-39 SECTION 2. Section 101.031, Family Code, is amended to read  
 1-40 as follows:

1-41 Sec. 101.031. SUIT. "Suit" means a legal action under this  
 1-42 title ~~[suit affecting the parent-child relationship]~~.

1-43 SECTION 3. Section 105.006(c), Family Code, is amended to  
 1-44 read as follows:

1-45 (c) If a court finds after notice and hearing that requiring  
 1-46 a party to provide the information required by this section to  
 1-47 another party is likely to cause the child or a conservator  
 1-48 harassment, abuse, serious harm, or injury, or to subject the child  
 1-49 or a conservator to family violence, as defined by Section 71.004,  
 1-50 the court may:

1-51 (1) order the information not to be disclosed to  
 1-52 another party; or

1-53 (2) render any other order the court considers  
 1-54 necessary.

1-55 SECTION 4. Section 154.187, Family Code, is amended by  
 1-56 amending Subsections (c) and (d) and adding Subsection (i) to read  
 1-57 as follows:

1-58 (c) An employer who has received an order or notice under  
 1-59 this subchapter shall provide to the sender, ~~[by first class mail]~~  
 1-60 not later than the 40th day after the date the employer receives the

2-1 order or notice, a statement that the child:

2-2 (1) has been enrolled in the employer's health  
2-3 insurance plan or is already enrolled in another health insurance  
2-4 plan in accordance with a previous child support or medical support  
2-5 order to which the employee is subject; or

2-6 (2) cannot be enrolled or cannot be enrolled  
2-7 permanently in the employer's health insurance plan and provide the  
2-8 reason why coverage or permanent coverage cannot be provided.

2-9 (d) If the employee ceases employment or if the health  
2-10 insurance coverage lapses, the employer shall provide to the  
2-11 sender, ~~[by first class mail]~~ not later than the 15th day after the  
2-12 date of the termination of employment or the lapse of the coverage,  
2-13 notice of the termination or lapse and of the availability of any  
2-14 conversion privileges.

2-15 (i) The notices required by Subsections (c) and (d) must be  
2-16 provided to the sender by first class mail, unless the sender is the  
2-17 Title IV-D agency. Notices to the Title IV-D agency may be provided  
2-18 electronically or via first class mail.

2-19 SECTION 5. Sections 157.065(a) and (b), Family Code, are  
2-20 amended to read as follows:

2-21 (a) If a party has been ordered under Chapter 105 to provide  
2-22 the court and the state case registry with the party's current  
2-23 mailing address, notice of a hearing on a motion for enforcement or  
2-24 on a request for a court order implementing a postjudgment remedy  
2-25 for the collection of child support may be served by mailing a copy  
2-26 of the notice to the respondent, together with a copy of the motion  
2-27 or request, by first class mail to the last mailing address of the  
2-28 respondent on file with the court and the registry.

2-29 (b) The notice may be sent by the clerk of the court, the  
2-30 ~~[movant's]~~ attorney for the movant or party requesting a court  
2-31 order, or any person entitled to the address information as  
2-32 provided in Chapter 105.

2-33 SECTION 6. Section 157.264(a), Family Code, is amended to  
2-34 read as follows:

2-35 (a) A money judgment rendered as provided in this subchapter  
2-36 or a judgment for retroactive child support rendered under Chapter  
2-37 154 may be enforced by any means available for the enforcement of a  
2-38 judgment for debts or the collection of child support.

2-39 SECTION 7. Section 160.302, Family Code, is amended by  
2-40 adding Subsection (d) to read as follows:

2-41 (d) An acknowledgment of paternity constitutes an affidavit  
2-42 under Section 666(a)(5)(C), Social Security Act (42 U.S.C. Section  
2-43 666(a)(5)(C)).

2-44 SECTION 8. Section 232.001, Family Code, is amended by  
2-45 adding Subdivision (3-a) to read as follows:

2-46 (3-a) "Renewal" means any instance when a licensing  
2-47 authority:

2-48 (A) renews, extends, recertifies, or reissues a  
2-49 license; or

2-50 (B) periodically certifies a licensee to be in  
2-51 good standing with the licensing authority based on the required  
2-52 payment of fees or dues or the performance of some other mandated  
2-53 action or activity.

2-54 SECTION 9. Sections 232.0135(b), (c), and (d), Family Code,  
2-55 are amended to read as follows:

2-56 (b) A licensing authority that receives the information  
2-57 described by Subsection (a) shall refuse to approve ~~[accept]~~ an  
2-58 application for issuance of a license to the obligor or renewal of  
2-59 an existing license of the obligor until the authority is notified  
2-60 by the child support agency that the obligor has:

2-61 (1) paid all child support arrearages;

2-62 (2) made an immediate payment of not less than \$200  
2-63 toward child support arrearages owed and established with the  
2-64 agency a satisfactory repayment schedule for the remainder or is in  
2-65 compliance with a court order for payment of the arrearages;

2-66 (3) been granted an exemption from this subsection as  
2-67 part of a court-supervised plan to improve the obligor's earnings  
2-68 and child support payments; or

2-69 (4) successfully contested the denial of issuance or

3-1 renewal of license under Subsection (d).

3-2 (c) On providing a licensing authority with the notice  
3-3 described by Subsection (a), the child support agency shall send a  
3-4 copy to the obligor by first class mail and inform the obligor of  
3-5 the steps the obligor must take to permit the authority to approve  
3-6 [~~accept~~] the obligor's application for license issuance or renewal.

3-7 (d) An obligor receiving notice under Subsection (c) may  
3-8 request a review by the child support agency to resolve any issue in  
3-9 dispute regarding the identity of the obligor or the existence or  
3-10 amount of child support arrearages. The agency shall promptly  
3-11 provide an opportunity for a review, either by telephone or in  
3-12 person, as appropriate to the circumstances. After the review, if  
3-13 appropriate, the agency may notify the licensing authority that it  
3-14 may approve [~~accept~~] the obligor's application for issuance or  
3-15 renewal of license. If the agency and the obligor fail to resolve  
3-16 any issue in dispute, the obligor, not later than the 30th day after  
3-17 the date of receiving notice of the agency's determination from the  
3-18 review, may file a motion with the court to direct the agency to  
3-19 withdraw the notice under Subsection (a) and request a hearing on  
3-20 the motion. The obligor's application for license issuance or  
3-21 renewal may not be approved [~~accepted~~] by the licensing authority  
3-22 until the court rules on the motion. If, after a review by the  
3-23 agency or a hearing by the court, the agency withdraws the notice  
3-24 under Subsection (a), the agency shall reimburse the obligor the  
3-25 amount of any fee charged the obligor under Section [232.014](#).

3-26 SECTION 10. Subchapter A, Chapter 406, Government Code, is  
3-27 amended by adding Section 406.026 to read as follows:

3-28 Sec. 406.026. ELECTRONIC NOTARIZATION. In a proceeding  
3-29 filed under Title 5, Family Code, if a signature is required to be  
3-30 notarized, acknowledged, verified, or made under oath, the  
3-31 requirement may be satisfied if the electronic signature of the  
3-32 person authorized to perform that act, together with all other  
3-33 information required to be included by other applicable law, is  
3-34 attached to or logically associated with the signature required to  
3-35 be notarized, acknowledged, verified, or made under oath.

3-36 SECTION 11. This Act takes effect September 1, 2015.

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