

1-1 By: Creighton S.B. No. 1727  
 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 favorably by the following vote: Yeas 9,  
 1-5 Nays 0; April 28, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the duties of the Title IV-D agency regarding the  
 1-20 establishment, collection, and enforcement of child support.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 108.001(d), Family Code, is amended to  
 1-23 read as follows:

1-24 (d) In a Title IV-D case, the Title IV-D agency may transmit  
 1-25 the record and information specified by Subsection (a) directly to  
 1-26 the [bureau of] vital statistics unit of the Department of State  
 1-27 Health Services, ~~with a copy to the clerk of the court on request~~  
 1-28 ~~by the clerk~~. The record and information are not required to be  
 1-29 certified if transmitted by the Title IV-D agency under this  
 1-30 subsection.

1-31 SECTION 2. Section 231.101(d), Family Code, is amended to  
 1-32 read as follows:

1-33 (d) The Title IV-D agency may review a support order at any  
 1-34 time on a showing of a material and substantial change in  
 1-35 circumstances, taking into consideration the best interests of the  
 1-36 child. If the Title IV-D agency determines that the primary care  
 1-37 and possession of the child has changed, the Title IV-D agency may  
 1-38 file a petition for modification under Chapter 156.

1-39 SECTION 3. Section 231.108(a), Family Code, is amended to  
 1-40 read as follows:

1-41 (a) Except as provided by Subsection (c), all files and  
 1-42 records of services provided by the Title IV-D agency under this  
 1-43 title [chapter], including information concerning a custodial  
 1-44 parent, a noncustodial parent, a child, or [and] an alleged or  
 1-45 presumed father, are confidential.

1-46 SECTION 4. Section 231.302(b), Family Code, is amended to  
 1-47 read as follows:

1-48 (b) A government agency, private company, institution, or  
 1-49 other entity shall provide the information requested under  
 1-50 Subsection (a) directly to the Title IV-D agency not later than the  
 1-51 seventh day after the request to obtain information is received,  
 1-52 without the requirement of payment of a fee for the information, and  
 1-53 shall, subject to safeguards on privacy and information security,  
 1-54 provide the information in the most efficient and expeditious  
 1-55 manner available, including electronic or automated transfer and  
 1-56 interface. Any individual or entity disclosing information under  
 1-57 this section in response to a request from a Title IV-D agency may  
 1-58 not be held liable in any civil action or proceeding to any person  
 1-59 for the disclosure of information under this subsection.

1-60 SECTION 5. Section 233.013(b), Family Code, is amended to  
 1-61 read as follows:

2-1 (b) If grounds exist for modification of [~~it has been three~~  
2-2 ~~years since~~] a child support order under Subchapter E, Chapter 156  
2-3 [~~was rendered or last modified and the amount of the child support~~  
2-4 ~~award under the order differs by either 20 percent or \$100 from the~~  
2-5 ~~amount that would be awarded under the child support guidelines~~],  
2-6 the Title IV-D agency may file an appropriate child support review  
2-7 order, including an order that has the effect of modifying an  
2-8 existing court or administrative order for child support without  
2-9 the necessity of filing a motion to modify.

2-10 SECTION 6. Section 233.028(c), Family Code, is amended to  
2-11 read as follows:

2-12 (c) If a party denies parentage of a child whose parentage  
2-13 has not previously been acknowledged or adjudicated, the Title IV-D  
2-14 agency shall order parentage testing and give each party notice of  
2-15 the time and place of testing. If either party fails or refuses to  
2-16 participate in administrative parentage testing, the Title IV-D  
2-17 agency may file a child support review order resolving the question  
2-18 of parentage against that party. The court shall confirm the child  
2-19 support review order as a temporary or final order of the court only  
2-20 after an opportunity for parentage testing has been provided.

2-21 SECTION 7. Section 234.101(1), Family Code, is amended to  
2-22 read as follows:

2-23 (1) "Employee" means an individual who is an employee  
2-24 within the meaning of Chapter 24 of the Internal Revenue Code of  
2-25 1986 (26 U.S.C. Section 3401(c)) or an independent contractor as  
2-26 defined by the Internal Revenue Service. The term does not include  
2-27 an employee of a state agency performing intelligence or  
2-28 counterintelligence functions if the head of the agency has  
2-29 determined that reporting employee information under this  
2-30 subchapter could endanger the safety of the employee or compromise  
2-31 an ongoing investigation or intelligence activity.

2-32 SECTION 8. (a) Section 108.001, Family Code, as amended by  
2-33 this Act, applies only to the transmission of a record and  
2-34 information to the vital statistics unit of the Department of State  
2-35 Health Services on or after the effective date of this Act.

2-36 (b) Section 231.302, Family Code, as amended by this Act,  
2-37 applies only to a request for information that is received on or  
2-38 after the effective date of this Act.

2-39 SECTION 9. This Act takes effect September 1, 2015.

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