

1-1 By: West S.B. No. 870
1-2 (In the Senate - Filed February 13, 2023; March 1, 2023,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 28, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 28, 2023,
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 COMMITTEE SUBSTITUTE FOR S.B. No. 870 By: Johnson

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to certain Title IV-D cases and other cases with respect to
1-18 child support or Title IV-D agency services and to practices and
1-19 procedures for the operation of the Title IV-D agency.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 355.102(e), Estates Code, is amended to
1-22 read as follows:

1-23 (e) Class 4 claims are composed of claims:

1-24 (1) for the principal amount of and accrued interest
1-25 on delinquent child support and child support arrearages that have
1-26 been:

1-27 (A) confirmed as a judgment or a determination of
1-28 arrearages by a court under Title 5, Family Code; or

1-29 (B) administratively determined as evidenced by
1-30 a certified child support payment record produced by the Title IV-D
1-31 agency, as defined by Section 101.033, Family Code, in a Title IV-D
1-32 case, as defined by Section 101.034, Family Code; and

1-33 (2) for unpaid child support obligations under Section
1-34 154.015, Family Code.

1-35 SECTION 2. Section 154.004, Family Code, is amended by
1-36 amending Subsections (a) and (b) to read as follows:

1-37 (a) The court shall order the payment of child support,
1-38 medical support, and dental support to the state disbursement unit
1-39 as provided by Chapter 234.

1-40 (b) In a Title IV-D case, the court or the Title IV-D agency
1-41 shall order that income withheld for child support, medical
1-42 support, and dental support be paid to the state disbursement unit
1-43 of this state or, if appropriate, to the state disbursement unit of
1-44 another state.

1-45 SECTION 3. Subchapter A, Chapter 154, Family Code, is
1-46 amended by adding Section 154.017 to read as follows:

1-47 Sec. 154.017. EMPLOYMENT SERVICES-RELATED ORDERS FOR
1-48 UNEMPLOYED AND UNDEREMPLOYED OBLIGORS. (a) When establishing,
1-49 modifying, or enforcing a child support obligation, a court or
1-50 Title IV-D agency may render an order requiring an unemployed or
1-51 underemployed obligor to:

1-52 (1) enroll and participate fully in a program
1-53 available in the obligor's community that provides employment
1-54 assistance, skills training, or job placement services; or

1-55 (2) work, have a plan to pay child support, or
1-56 participate in work activities appropriate to pay the support
1-57 obligation.

1-58 (b) An order rendered under this section is enforceable as
1-59 provided by Chapter 157.

1-60 SECTION 4. Section 156.401(b), Family Code, is amended to

2-1 read as follows:

2-2 (b) Except as provided by Sections 231.1015, 231.1016, and
 2-3 231.1017, a [A] support order may be modified with regard to the
 2-4 amount of support ordered only as to obligations accruing after the
 2-5 earlier of:

2-6 (1) the date of service of citation; or

2-7 (2) an appearance in the suit to modify.

2-8 SECTION 5. Section 157.321, Family Code, is amended to read
 2-9 as follows:

2-10 Sec. 157.321. DISCRETIONARY RELEASE OF LIEN. (a) A child
 2-11 support lien claimant may at any time release a lien on all or part
 2-12 of the property of the obligor or return seized property, without
 2-13 liability, if assurance of payment is considered adequate by the
 2-14 claimant or if the release or return will facilitate the collection
 2-15 of the arrearages. The release or return may not operate to prevent
 2-16 future action to collect from the same or other property owned by
 2-17 the obligor.

2-18 (b) A release of child support lien filed by the Title IV-D
 2-19 agency under this section does not require verification.

2-20 SECTION 6. Section 157.322, Family Code, is amended by
 2-21 adding Subsection (c) to read as follows:

2-22 (c) A release of child support lien filed by the Title IV-D
 2-23 agency under this section does not require verification.

2-24 SECTION 7. Section 161.304, Family Code, is amended by
 2-25 adding Subsection (c-1) to read as follows:

2-26 (c-1) The clerk of the court shall provide a copy of an order
 2-27 rendered under Subsection (c) to the Title IV-D agency.

2-28 SECTION 8. Subchapter B, Chapter 201, Family Code, is
 2-29 amended by adding Section 201.1045 to read as follows:

2-30 Sec. 201.1045. PROCEEDINGS AND JUDICIAL ACTIONS BY REMOTE
 2-31 COMMUNICATION. (a) In this section, "remote communication"
 2-32 includes teleconferencing, videoconferencing, and any similar
 2-33 technology.

2-34 (b) Unless a party files a written objection and except as
 2-35 provided by Subsection (d), an associate judge appointed under this
 2-36 subchapter may conduct a proceeding or perform a judicial action
 2-37 authorized under Section 201.104 from any location in this state
 2-38 using remote communication.

2-39 (c) Except as provided by Subsection (d), an associate judge
 2-40 appointed under this subchapter may require or authorize a party to
 2-41 participate in a proceeding authorized under Section 201.104 using
 2-42 a method of remote communication available to the party.

2-43 (d) A respondent is entitled to appear in person at a final
 2-44 hearing that may result in a finding of contempt or revocation of
 2-45 the respondent's community supervision under Chapter 157. The
 2-46 respondent may waive the right to appear in person at the hearing in
 2-47 writing or on the record. Unless the respondent waives that right,
 2-48 the associate judge must also appear at the hearing in person.

2-49 SECTION 9. Section 231.002(e), Family Code, is amended to
 2-50 read as follows:

2-51 (e) The Title IV-D agency may take the following
 2-52 administrative actions with respect to the location of a parent,
 2-53 the determination of parentage, and the establishment,
 2-54 modification, and enforcement of child support, medical support,
 2-55 and dental support orders required by 42 U.S.C. Section 666(c),
 2-56 without obtaining an order from any other judicial or
 2-57 administrative tribunal:

2-58 (1) issue an administrative subpoena, as provided by
 2-59 Section 231.303, to obtain financial or other information;

2-60 (2) order genetic testing for parentage
 2-61 determination, as provided by Chapter 233;

2-62 (3) order income withholding, as provided by Chapter
 2-63 233, and issue an administrative writ of withholding, as provided
 2-64 by Chapter 158; ~~and~~

2-65 (4) take any action with respect to execution,
 2-66 collection, and release of a judgment or lien for child support
 2-67 necessary to satisfy the judgment or lien, as provided by Chapter
 2-68 157; and

2-69 (5) adjust the support obligations of an incarcerated

3-1 obligor, as provided by Sections 231.1015, 231.1016, and 231.1017.
3-2 SECTION 10. Subchapter A, Chapter 231, Family Code, is
3-3 amended by adding Section 231.016 to read as follows:

3-4 Sec. 231.016. DISMISSAL OF CERTAIN CLAIMS AGAINST TITLE
3-5 IV-D AGENCY OR TITLE IV-D AGENCY EMPLOYEE. A court may dismiss a
3-6 cause of action asserted in a suit filed against the Title IV-D
3-7 agency or an employee of the Title IV-D agency pertaining to the
3-8 powers or duties of, or services provided by, the Title IV-D agency
3-9 under this subtitle if the court determines the asserted cause of
3-10 action:

- 3-11 (1) is frivolous or malicious;
- 3-12 (2) fails to state a claim on which relief may be
- 3-13 granted; or
- 3-14 (3) seeks monetary relief from the agency or employee
- 3-15 for which immunity applies.

3-16 SECTION 11. Section 231.101, Family Code, is amended by
3-17 adding Subsection (f) to read as follows:

3-18 (f) The Title IV-D agency shall distribute a child support
3-19 payment received on behalf of a child placed in substitute care as
3-20 described by Section 264.109 to the appropriate state agency in
3-21 accordance with applicable federal laws or regulations.

3-22 SECTION 12. Subchapter B, Chapter 231, Family Code, is
3-23 amended by adding Sections 231.1015, 231.1016, and 231.1017 to read
3-24 as follows:

3-25 Sec. 231.1015. ADMINISTRATIVE ADJUSTMENT OF SUPPORT
3-26 OBLIGATIONS DURING OBLIGOR'S INCARCERATION. (a) Subject to
3-27 Subsection (b), on verification by the Title IV-D agency that a
3-28 judgment or order has been rendered for the confinement of a child
3-29 support obligor in a local, state, or federal jail or prison for a
3-30 period of at least 180 consecutive days, the Title IV-D agency shall
3-31 review and administratively adjust the obligor's child support,
3-32 medical support, and dental support order to amounts that are based
3-33 on the application of the child support guidelines under Chapter
3-34 154 to the obligor's net resources during incarceration.

3-35 (b) This section does not apply if the Title IV-D agency
3-36 determines that the obligor is confined:

- 3-37 (1) due to the obligor's failure to comply with a child
- 3-38 support order; or
- 3-39 (2) for an offense constituting an act of family
- 3-40 violence, as defined by Section 71.004, committed against the
- 3-41 obligee or a child covered by the child support order.

3-42 (c) If the Title IV-D agency administratively adjusts a
3-43 support obligation under Subsection (a), the agency must:

- 3-44 (1) provide notice of the administrative adjustment to
- 3-45 the parties to the support order; and
- 3-46 (2) file a copy of the notice with the court of
- 3-47 continuing, exclusive jurisdiction.

3-48 (d) The notice provided under Subsection (c) must state:

- 3-49 (1) the amount of the obligor's adjusted support
- 3-50 obligation during incarceration;
- 3-51 (2) the effective date of the administrative
- 3-52 adjustment of the support obligation; and
- 3-53 (3) the style and cause number of the case in which the
- 3-54 support order was rendered.

3-55 (e) Notwithstanding Subsection (a), the Title IV-D agency
3-56 may seek modification of the support order under Subchapter E,
3-57 Chapter 156, in lieu of administratively adjusting the support
3-58 obligation under this section.

3-59 (f) The administrative adjustment of a support obligation
3-60 under this section may not take effect before the 30th day after the
3-61 date a copy of the notice is filed with the court of continuing,
3-62 exclusive jurisdiction under Subsection (c)(2).

3-63 (g) The administrative adjustment of a support obligation
3-64 under this section does not affect a support obligation due before
3-65 the effective date of the administrative adjustment.

3-66 (h) The Title IV-D agency may adopt rules to implement this
3-67 section.

3-68 Sec. 231.1016. REVIEW OF ADMINISTRATIVE ADJUSTMENT OF
3-69 SUPPORT OBLIGATIONS. (a) Not later than the 30th day after

4-1 receiving notice of an administrative adjustment of a support
 4-2 obligation under Section 231.1015, a party to the support order may
 4-3 contest the administrative adjustment by requesting that the Title
 4-4 IV-D agency review the agency's decision to grant the
 4-5 administrative adjustment.

4-6 (b) If a party to the support order does not request the
 4-7 Title IV-D agency to review the administrative adjustment within
 4-8 the time prescribed by Subsection (a), the Title IV-D agency shall
 4-9 file an administrative adjustment order with the court of
 4-10 continuing, exclusive jurisdiction. The order must contain a
 4-11 signed statement from the Title IV-D agency that neither party to
 4-12 the order requested an administrative review within the time
 4-13 required by Subsection (a) and state the amount of the obligor's
 4-14 adjusted support obligation during incarceration and the effective
 4-15 date of the administrative adjustment. The court shall sign the
 4-16 order not later than the seventh day after the date the order is
 4-17 filed. On expiration of the seventh day after the date the order is
 4-18 filed, the order is considered confirmed by the court by operation
 4-19 of law, regardless of whether the court has signed the order.

4-20 (c) On request by a party under Subsection (a), the Title
 4-21 IV-D agency shall:

4-22 (1) review the administrative adjustment of the
 4-23 support obligation to determine whether:

4-24 (A) the exceptions under Section 231.1015(b)
 4-25 apply; and

4-26 (B) the administrative adjustment accurately
 4-27 reflects the obligor's net resources during incarceration; and

4-28 (2) provide an opportunity for review with the parties
 4-29 in person or by telephone, as appropriate.

4-30 (d) After conducting a review under Subsection (c), the
 4-31 Title IV-D agency shall:

4-32 (1) affirm the administrative adjustment of the
 4-33 support obligation by issuing a notice of determination to the
 4-34 parties regarding the agency's decision to affirm the
 4-35 administrative adjustment; or

4-36 (2) withdraw the administrative adjustment of the
 4-37 support obligation by filing a notice with the court of continuing,
 4-38 exclusive jurisdiction withdrawing the administrative adjustment
 4-39 and issuing a notice of determination to the parties regarding the
 4-40 agency's decision to withdraw the administrative adjustment.

4-41 (e) Not later than the 30th day after a party receives
 4-42 notice under Subsection (d)(1), the party may file a motion
 4-43 requesting a hearing with the court of continuing, exclusive
 4-44 jurisdiction to contest the Title IV-D agency's administrative
 4-45 adjustment of the support obligation. The administrative
 4-46 adjustment remains in effect until:

4-47 (1) the agency files a notice with the court of
 4-48 continuing, exclusive jurisdiction withdrawing the administrative
 4-49 adjustment; or

4-50 (2) the court renders an order regarding the
 4-51 administrative adjustment.

4-52 (f) If a party to a support order does not file a motion
 4-53 requesting a hearing with the court of continuing, exclusive
 4-54 jurisdiction within the time prescribed by Subsection (e), the
 4-55 Title IV-D agency shall file an administrative adjustment order
 4-56 with the court of continuing, exclusive jurisdiction and shall
 4-57 attach to the order a copy of the notice of determination issued
 4-58 under Subsection (d)(1). The order must state the amount of the
 4-59 obligor's adjusted support obligation during incarceration and the
 4-60 effective date of the administrative adjustment. The court shall
 4-61 sign the order not later than the seventh day after the date the
 4-62 order is filed. On expiration of the seventh day after the date the
 4-63 order is filed, the order is considered confirmed by the court by
 4-64 operation of law, regardless of whether the court has signed the
 4-65 order.

4-66 (g) The Title IV-D agency may adopt rules to implement this
 4-67 section.

4-68 Sec. 231.1017. MODIFICATION OF SUPPORT OBLIGATION AFTER
 4-69 OBLIGOR'S RELEASE FROM INCARCERATION. In a Title IV-D case, on the

5-1 release of an obligor whose support obligations were
5-2 administratively adjusted during incarceration under Section
5-3 231.1015, the Title IV-D agency shall review the obligor's support
5-4 order as provided by Section 231.101 to determine if modification
5-5 is necessary and may proceed under Chapter 156 or 233.

5-6 SECTION 13. Section 231.108, Family Code, is amended by
5-7 adding Subsection (h) to read as follows:

5-8 (h) A court may not order the Title IV-D agency to release
5-9 information that is confidential or privileged under this section.

5-10 SECTION 14. The heading to Section 231.117, Family Code, is
5-11 amended to read as follows:

5-12 Sec. 231.117. EMPLOYMENT SERVICES-RELATED REFERRALS FOR
5-13 UNEMPLOYED AND UNDEREMPLOYED OBLIGORS.

5-14 SECTION 15. Section 231.117(a), Family Code, is amended to
5-15 read as follows:

5-16 (a) The Title IV-D agency:

5-17 (1) shall refer to appropriate state and local
5-18 entities that provide employment services any unemployed or
5-19 underemployed obligor who is in arrears in court-ordered child
5-20 support payments; and

5-21 (2) may make the referral described by Subdivision (1)
5-22 for any unemployed or underemployed obligor who is not in arrears.

5-23 SECTION 16. Chapter 233, Family Code, is amended by adding
5-24 Section 233.0155 to read as follows:

5-25 Sec. 233.0155. ISSUANCE AND ENFORCEMENT OF CHILD SUPPORT
5-26 REVIEW ORDER CONTAINING DETERMINATION OF ARREARAGES; TIME
5-27 LIMITATION NOT APPLICABLE. The Title IV-D agency's authority to
5-28 issue and enforce a child support review order containing a
5-29 determination of arrearages is not subject to the time limitation
5-30 prescribed by Section 157.005(b) on the court's jurisdiction to
5-31 confirm the amount of and render cumulative money judgments for
5-32 arrearages.

5-33 SECTION 17. Section 233.018(e), Family Code, is amended to
5-34 read as follows:

5-35 (e) Notwithstanding Subsection (a)(2) or Section
5-36 132.001(d), Civil Practice and Remedies Code, the [mailing] address
5-37 of a party shall be omitted from the child support review order and
5-38 any waiver signed under this section if:

5-39 (1) the court has previously made a finding and
5-40 ordered nondisclosure under Section 105.006(c) relating to the
5-41 parties and the order has not been superseded; or

5-42 (2) the child support review order contains an agreed
5-43 finding and order under Section 105.006(c).

5-44 SECTION 18. Section 233.020(a), Family Code, is amended to
5-45 read as follows:

5-46 (a) A petition for confirmation of a child support review
5-47 order not agreed to by the parties:

5-48 (1) must include the final review order as an
5-49 attachment to the petition; and

5-50 (2) may include a waiver of service executed under
5-51 Section 233.018 [~~233.018(b)~~] and an agreement to appear in court
5-52 for a hearing.

5-53 SECTION 19. Section 234.001(d), Family Code, is amended to
5-54 read as follows:

5-55 (d) A certified child support payment record produced by the
5-56 Title IV-D agency or state disbursement unit is admissible as
5-57 evidence of the truth of the information contained in the record and
5-58 does not require further authentication or verification.

5-59 SECTION 20. Subchapter A, Chapter 234, Family Code, is
5-60 amended by adding Sections 234.0015 and 234.013 to read as follows:

5-61 Sec. 234.0015. CHILD SUPPORT PAYMENTS. For purposes of
5-62 services provided by the state disbursement unit under this
5-63 subchapter, a child support payment includes child support, medical
5-64 support, and dental support ordered under Chapter 154.

5-65 Sec. 234.013. APPLICABILITY TO CERTAIN MAINTENANCE
5-66 PAYMENTS. The state disbursement unit shall administer maintenance
5-67 payments ordered under Section 8.062 in the same manner as child
5-68 support payments under this subchapter.

5-69 SECTION 21. Section 552.117(a), Government Code, is amended

6-1 to read as follows:

- 6-2 (a) Information is excepted from the requirements of
6-3 Section 552.021 if it is information that relates to the home
6-4 address, home telephone number, emergency contact information, or
6-5 social security number of the following person or that reveals
6-6 whether the person has family members:
- 6-7 (1) a current or former official or employee of a
6-8 governmental body, except as otherwise provided by Section 552.024;
6-9 (2) a current or honorably retired peace officer as
6-10 defined by Article 2.12, Code of Criminal Procedure, or a current or
6-11 honorably retired security officer commissioned under Section
6-12 51.212, Education Code, regardless of whether the officer complies
6-13 with Section 552.024 or 552.1175, as applicable;
- 6-14 (3) a current or former employee of the Texas
6-15 Department of Criminal Justice or of the predecessor in function of
6-16 the department or any division of the department, regardless of
6-17 whether the current or former employee complies with Section
6-18 552.1175;
- 6-19 (4) a peace officer as defined by Article 2.12, Code of
6-20 Criminal Procedure, or other law, a reserve law enforcement
6-21 officer, a commissioned deputy game warden, or a corrections
6-22 officer in a municipal, county, or state penal institution in this
6-23 state who was killed in the line of duty, regardless of whether the
6-24 deceased complied with Section 552.024 or 552.1175;
- 6-25 (5) a commissioned security officer as defined by
6-26 Section 1702.002, Occupations Code, regardless of whether the
6-27 officer complies with Section 552.024 or 552.1175, as applicable;
- 6-28 (6) an officer or employee of a community supervision
6-29 and corrections department established under Chapter 76 who
6-30 performs a duty described by Section 76.004(b), regardless of
6-31 whether the officer or employee complies with Section 552.024 or
6-32 552.1175;
- 6-33 (7) a current or former employee of the office of the
6-34 attorney general who is or was assigned to a division of that office
6-35 the duties of which involve law enforcement or are performed under
6-36 Chapter 231, Family Code, regardless of whether the current or
6-37 former employee complies with Section 552.024 or 552.1175;
- 6-38 (8) a current or former employee of the Texas Juvenile
6-39 Justice Department or of the predecessors in function of the
6-40 department, regardless of whether the current or former employee
6-41 complies with Section 552.024 or 552.1175;
- 6-42 (9) a current or former juvenile probation or
6-43 supervision officer certified by the Texas Juvenile Justice
6-44 Department, or the predecessors in function of the department,
6-45 under Title 12, Human Resources Code, regardless of whether the
6-46 current or former officer complies with Section 552.024 or
6-47 552.1175;
- 6-48 (10) a current or former employee of a juvenile
6-49 justice program or facility, as those terms are defined by Section
6-50 261.405, Family Code, regardless of whether the current or former
6-51 employee complies with Section 552.024 or 552.1175;
- 6-52 (11) a current or former member of the United States
6-53 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
6-54 service of one of those branches of the armed forces, or the Texas
6-55 military forces, as that term is defined by Section 437.001;
- 6-56 (12) a current or former district attorney, criminal
6-57 district attorney, or county or municipal attorney whose
6-58 jurisdiction includes any criminal law or child protective services
6-59 matters, regardless of whether the current or former attorney
6-60 complies with Section 552.024 or 552.1175;
- 6-61 (13) a current or former employee of a district
6-62 attorney, criminal district attorney, or county or municipal
6-63 attorney whose jurisdiction includes any criminal law or child
6-64 protective services matters, regardless of whether the current or
6-65 former employee complies with Section 552.024 or 552.1175;
- 6-66 (14) a current or former employee of the Texas Civil
6-67 Commitment Office or of the predecessor in function of the office or
6-68 a division of the office, regardless of whether the current or
6-69 former employee complies with Section 552.024 or 552.1175;

- 7-1 (15) a current or former federal judge or state judge,
7-2 as those terms are defined by Section 1.005, Election Code, a
7-3 federal bankruptcy judge, a marshal of the United States Marshals
7-4 Service, a United States attorney, or a family member of a current
7-5 or former federal judge, including a federal bankruptcy judge, a
7-6 marshal of the United States Marshals Service, a United States
7-7 attorney, or a state judge;
- 7-8 (16) a current or former child protective services
7-9 caseworker, adult protective services caseworker, or investigator
7-10 for the Department of Family and Protective Services, regardless of
7-11 whether the caseworker or investigator complies with Section
7-12 552.024 or 552.1175, or a current or former employee of a department
7-13 contractor performing child protective services caseworker, adult
7-14 protective services caseworker, or investigator functions for the
7-15 contractor on behalf of the department;
- 7-16 (17) an elected public officer, regardless of whether
7-17 the officer complies with Section 552.024 or 552.1175;
- 7-18 (18) a current or former United States attorney,
7-19 assistant United States attorney, federal public defender, deputy
7-20 federal public defender, or assistant federal public defender and
7-21 the spouse or child of the current or former attorney or public
7-22 defender, regardless of whether the person complies with Section
7-23 552.024 or 552.1175; or
- 7-24 (19) a firefighter or volunteer firefighter or
7-25 emergency medical services personnel as defined by Section 773.003,
7-26 Health and Safety Code, regardless of whether the firefighter or
7-27 volunteer firefighter or emergency medical services personnel
7-28 comply with Section 552.024 or 552.1175, as applicable.
- 7-29 SECTION 22. Section 552.1175(a), Government Code, is
7-30 amended to read as follows:
- 7-31 (a) This section applies only to:
- 7-32 (1) current or honorably retired peace officers as
7-33 defined by Article 2.12, Code of Criminal Procedure, or special
7-34 investigators as described by Article 2.122, Code of Criminal
7-35 Procedure;
- 7-36 (2) current or honorably retired county jailers as
7-37 defined by Section 1701.001, Occupations Code;
- 7-38 (3) current or former employees of the Texas
7-39 Department of Criminal Justice or of the predecessor in function of
7-40 the department or any division of the department;
- 7-41 (4) commissioned security officers as defined by
7-42 Section 1702.002, Occupations Code;
- 7-43 (5) a current or former district attorney, criminal
7-44 district attorney, or county or municipal attorney whose
7-45 jurisdiction includes any criminal law or child protective services
7-46 matters;
- 7-47 (5-a) a current or former employee of a district
7-48 attorney, criminal district attorney, or county or municipal
7-49 attorney whose jurisdiction includes any criminal law or child
7-50 protective services matters;
- 7-51 (6) officers and employees of a community supervision
7-52 and corrections department established under Chapter 76 who perform
7-53 a duty described by Section 76.004(b);
- 7-54 (7) criminal investigators of the United States as
7-55 described by Article 2.122(a), Code of Criminal Procedure;
- 7-56 (8) current or honorably retired police officers and
7-57 inspectors of the United States Federal Protective Service;
- 7-58 (9) current and former employees of the office of the
7-59 attorney general who are or were assigned to a division of that
7-60 office the duties of which involve law enforcement or are performed
7-61 under Chapter 231, Family Code;
- 7-62 (10) current or former juvenile probation and
7-63 detention officers certified by the Texas Juvenile Justice
7-64 Department, or the predecessors in function of the department,
7-65 under Title 12, Human Resources Code;
- 7-66 (11) current or former employees of a juvenile justice
7-67 program or facility, as those terms are defined by Section 261.405,
7-68 Family Code;
- 7-69 (12) current or former employees of the Texas Juvenile

8-1 Justice Department or the predecessors in function of the
8-2 department;

8-3 (13) federal judges and state judges as defined by
8-4 Section 1.005, Election Code;

8-5 (14) current or former employees of the Texas Civil
8-6 Commitment Office or of the predecessor in function of the office or
8-7 a division of the office;

8-8 (15) a current or former member of the United States
8-9 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
8-10 service of one of those branches of the armed forces, or the Texas
8-11 military forces, as that term is defined by Section 437.001;

8-12 (16) a current or former child protective services
8-13 caseworker, adult protective services caseworker, or investigator
8-14 for the Department of Family and Protective Services or a current or
8-15 former employee of a department contractor performing child
8-16 protective services caseworker, adult protective services
8-17 caseworker, or investigator functions for the contractor on behalf
8-18 of the department;

8-19 (17) an elected public officer;

8-20 (18) a firefighter or volunteer firefighter or
8-21 emergency medical services personnel as defined by Section 773.003,
8-22 Health and Safety Code; and

8-23 (19) a current or former United States attorney,
8-24 assistant United States attorney, federal public defender, deputy
8-25 federal public defender, or assistant federal public defender.

8-26 SECTION 23. Section 12.0011(d), Property Code, is amended
8-27 to read as follows:

8-28 (d) This section does not apply to a child support lien
8-29 notice or release of child support lien issued by the Title IV-D
8-30 agency under Chapter 157, Family Code. For purposes of this
8-31 subsection, "Title IV-D agency" has the meaning assigned by Section
8-32 101.033, Family Code.

8-33 SECTION 24. Section 240.151, Property Code, is amended by
8-34 amending Subsections (g) and (h) and adding Subsection (i) to read
8-35 as follows:

8-36 (g) A disclaimer by a child support obligor is barred as to
8-37 disclaimed property that could be applied to satisfy the
8-38 disclaimant's child support obligations if those obligations have
8-39 been:

8-40 (1) administratively determined as evidenced by a
8-41 certified child support payment record produced by the Title IV-D
8-42 agency [as defined by Section 101.033, Family Code,] in a Title IV-D
8-43 case [as defined by Section 101.034, Family Code]; or

8-44 (2) confirmed and reduced to judgment as provided by
8-45 Section 157.263, Family Code.

8-46 (h) If Subsection (g) applies, the child support obligee to
8-47 whom child support arrearages are owed or the Title IV-D agency may
8-48 enforce the child support obligation against the disclaimant as to
8-49 disclaimed property by a lien or by any other remedy provided by
8-50 law.

8-51 (i) In this section:

8-52 (1) "Title IV-D agency" has the meaning assigned by
8-53 Section 101.033, Family Code.

8-54 (2) "Title IV-D case" has the meaning assigned by
8-55 Section 101.034, Family Code.

8-56 SECTION 25. Section 25.025(a), Tax Code, is amended to read
8-57 as follows:

8-58 (a) This section applies only to:

8-59 (1) a current or former peace officer as defined by
8-60 Article 2.12, Code of Criminal Procedure, and the spouse or
8-61 surviving spouse of the peace officer;

8-62 (2) the adult child of a current peace officer as
8-63 defined by Article 2.12, Code of Criminal Procedure;

8-64 (3) a current or honorably retired county jailer as
8-65 defined by Section 1701.001, Occupations Code;

8-66 (4) an employee of the Texas Department of Criminal
8-67 Justice;

8-68 (5) a commissioned security officer as defined by
8-69 Section 1702.002, Occupations Code;

- 9-1 (6) an individual who shows that the individual, the
9-2 individual's child, or another person in the individual's household
9-3 is a victim of family violence as defined by Section 71.004, Family
9-4 Code, by providing:
- 9-5 (A) a copy of a protective order issued under
9-6 Chapter 85, Family Code, or a magistrate's order for emergency
9-7 protection issued under Article 17.292, Code of Criminal Procedure;
9-8 or
- 9-9 (B) other independent documentary evidence
9-10 necessary to show that the individual, the individual's child, or
9-11 another person in the individual's household is a victim of family
9-12 violence;
- 9-13 (7) an individual who shows that the individual, the
9-14 individual's child, or another person in the individual's household
9-15 is a victim of sexual assault or abuse, stalking, or trafficking of
9-16 persons by providing:
- 9-17 (A) a copy of a protective order issued under
9-18 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
9-19 magistrate's order for emergency protection issued under Article
9-20 17.292, Code of Criminal Procedure; or
- 9-21 (B) other independent documentary evidence
9-22 necessary to show that the individual, the individual's child, or
9-23 another person in the individual's household is a victim of sexual
9-24 assault or abuse, stalking, or trafficking of persons;
- 9-25 (8) a participant in the address confidentiality
9-26 program administered by the attorney general under Subchapter B,
9-27 Chapter 58, Code of Criminal Procedure, who provides proof of
9-28 certification under Article 58.059, Code of Criminal Procedure;
- 9-29 (9) a federal judge, a federal bankruptcy judge, a
9-30 marshal of the United States Marshals Service, a state judge, or a
9-31 family member of a federal judge, a federal bankruptcy judge, a
9-32 marshal of the United States Marshals Service, or a state judge;
- 9-33 (10) a current or former district attorney, criminal
9-34 district attorney, or county or municipal attorney whose
9-35 jurisdiction includes any criminal law or child protective services
9-36 matters;
- 9-37 (11) a current or former employee of a district
9-38 attorney, criminal district attorney, or county or municipal
9-39 attorney whose jurisdiction includes any criminal law or child
9-40 protective services matters;
- 9-41 (12) an officer or employee of a community supervision
9-42 and corrections department established under Chapter 76,
9-43 Government Code, who performs a duty described by Section 76.004(b)
9-44 of that code;
- 9-45 (13) a criminal investigator of the United States as
9-46 described by Article 2.122(a), Code of Criminal Procedure;
- 9-47 (14) a current or honorably retired police officer or
9-48 inspector of the United States Federal Protective Service;
- 9-49 (15) a current or former United States attorney,
9-50 assistant United States attorney, federal public defender, deputy
9-51 federal public defender, or assistant federal public defender and
9-52 the spouse and child of the attorney or public defender;
- 9-53 (16) a current or former employee of the office of the
9-54 attorney general who is or was assigned to a division of that office
9-55 the duties of which involve law enforcement or are performed under
9-56 Chapter 231, Family Code;
- 9-57 (17) a medical examiner or person who performs
9-58 forensic analysis or testing who is employed by this state or one or
9-59 more political subdivisions of this state;
- 9-60 (18) a current or former member of the United States
9-61 armed forces who has served in an area that the president of the
9-62 United States by executive order designates for purposes of 26
9-63 U.S.C. Section 112 as an area in which armed forces of the United
9-64 States are or have engaged in combat;
- 9-65 (19) a current or former employee of the Texas
9-66 Juvenile Justice Department or of the predecessors in function of
9-67 the department;
- 9-68 (20) a current or former juvenile probation or
9-69 supervision officer certified by the Texas Juvenile Justice

10-1 Department, or the predecessors in function of the department,
 10-2 under Title 12, Human Resources Code;

10-3 (21) a current or former employee of a juvenile
 10-4 justice program or facility, as those terms are defined by Section
 10-5 261.405, Family Code;

10-6 (22) a current or former employee of the Texas Civil
 10-7 Commitment Office or the predecessor in function of the office or a
 10-8 division of the office;

10-9 (23) a current or former employee of a federal judge or
 10-10 state judge;

10-11 (24) a current or former child protective services
 10-12 caseworker, adult protective services caseworker, or investigator
 10-13 for the Department of Family and Protective Services or a current or
 10-14 former employee of a department contractor performing child
 10-15 protective services caseworker, adult protective services
 10-16 caseworker, or investigator functions for the contractor on behalf
 10-17 of the department;

10-18 (25) an elected public officer; and

10-19 (26) a firefighter or volunteer firefighter or
 10-20 emergency medical services personnel as defined by Section 773.003,
 10-21 Health and Safety Code.

10-22 SECTION 26. Section 231.117(d), Family Code, is repealed.

10-23 SECTION 27. The change in law made by Section 355.102(e),
 10-24 Estates Code, as amended by this Act, applies only to the estate of
 10-25 a decedent who dies on or after the effective date of this Act. The
 10-26 estate of a decedent who dies before the effective date of this Act
 10-27 is governed by the law in effect on the date of the decedent's
 10-28 death, and the former law is continued in effect for that purpose.

10-29 SECTION 28. The changes in law made by Section 154.017,
 10-30 Family Code, as added by this Act, and Section 231.117, Family Code,
 10-31 as amended by this Act, do not constitute a material and substantial
 10-32 change of circumstances under Section 156.401, Family Code,
 10-33 sufficient to warrant modification of a court order or a portion of
 10-34 a decree that provides for the support of a child rendered before
 10-35 the effective date of this Act.

10-36 SECTION 29. The changes in law made by Section 157.321,
 10-37 Family Code, as amended by this Act, Section 157.322(c), Family
 10-38 Code, as added by this Act, and Section 12.0011(d), Property Code,
 10-39 as amended by this Act, apply only to a child support lien release
 10-40 executed on or after the effective date of this Act. A child
 10-41 support lien release executed before the effective date of this Act
 10-42 is governed by the law in effect on the date the lien release was
 10-43 executed, and the former law is continued in effect for that
 10-44 purpose.

10-45 SECTION 30. The change in law made by Section 161.304(c-1),
 10-46 Family Code, as added by this Act, applies only to an order
 10-47 reinstating parental rights that is rendered on or after the
 10-48 effective date of this Act. An order rendered before the effective
 10-49 date of this Act is governed by the law in effect on the date the
 10-50 order was rendered, and the former law is continued in effect for
 10-51 that purpose.

10-52 SECTION 31. The change in law made by Section 201.1045,
 10-53 Family Code, as added by this Act, applies to a proceeding conducted
 10-54 or judicial action performed on or after the effective date of this
 10-55 Act.

10-56 SECTION 32. The change in law made by Section 231.016,
 10-57 Family Code, as added by this Act, applies only to a suit filed on or
 10-58 after the effective date of this Act.

10-59 SECTION 33. The change in law made by Section 231.101(f),
 10-60 Family Code, as added by this Act, applies only to a child support
 10-61 payment received by the Title IV-D agency on or after the effective
 10-62 date of this Act. A child support payment received by the Title
 10-63 IV-D agency before that date is governed by the law in effect on the
 10-64 date the payment was received, and the former law is continued in
 10-65 effect for that purpose.

10-66 SECTION 34. (a) The changes in law made by Section
 10-67 231.002(e), Family Code, as amended by this Act, and Sections
 10-68 231.1015, 231.1016, and 231.1017, Family Code, as added by this
 10-69 Act, apply to a child support order regardless of whether the order

11-1 was rendered before, on, or after the effective date of this Act.

11-2 (b) The change in law made by this Act described by
11-3 Subsection (a) of this section constitutes a material and
11-4 substantial change of circumstances under Section 156.401, Family
11-5 Code, sufficient to warrant modification of a court order or a
11-6 portion of a decree that provides for the support of a child
11-7 rendered before the effective date of this Act.

11-8 SECTION 35. The change in law made by Section 233.0155,
11-9 Family Code, as added by this Act, applies to a child support review
11-10 order issued by the Title IV-D agency on or after the effective date
11-11 of this Act regardless of whether the original child support order
11-12 was rendered before, on, or after that date.

11-13 SECTION 36. The change in law made by Section 233.018(e),
11-14 Family Code, as amended by this Act, applies only to an agreed child
11-15 support review order filed on or after the effective date of this
11-16 Act. An agreed child support review order filed before that date is
11-17 governed by the law in effect on the date the order was filed, and
11-18 the former law is continued in effect for that purpose.

11-19 SECTION 37. The change in law made by Section 234.001(d),
11-20 Family Code, as amended by this Act, applies only to the
11-21 admissibility of evidence in a proceeding commenced on or after the
11-22 effective date of this Act. The admissibility of evidence in a
11-23 proceeding that commences before the effective date of this Act is
11-24 governed by the law in effect on the date the proceeding commenced,
11-25 and the former law is continued in effect for that purpose.

11-26 SECTION 38. The changes in law made by Section 154.004,
11-27 Family Code, as amended by this Act, and Sections 234.0015 and
11-28 234.013, Family Code, as added by this Act, apply to a child support
11-29 or maintenance payment made on or after the effective date of this
11-30 Act regardless of whether the order for child support or
11-31 maintenance was rendered before, on, or after the effective date of
11-32 this Act.

11-33 SECTION 39. The changes in law made by Sections 552.117(a)
11-34 and 552.1175(a), Government Code, and Section 25.025(a), Tax Code,
11-35 as amended by this Act, apply only to a request for information that
11-36 is received by a governmental body or an officer on or after the
11-37 effective date of this Act. A request for information that was
11-38 received before the effective date of this Act is governed by the
11-39 law in effect on the date the request was received, and the former
11-40 law is continued in effect for that purpose.

11-41 SECTION 40. The change in law made by Section 240.151,
11-42 Property Code, as amended by this Act, applies only to a disclaimer
11-43 made on or after the effective date of this Act. A disclaimer made
11-44 before the effective date of this Act is governed by the law in
11-45 effect at the time the disclaimer was made, and the former law is
11-46 continued in effect for that purpose.

11-47 SECTION 41. This Act takes effect September 1, 2023.

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