

## CHAPTER 183

## H.B. No. 1059

An Act relating to the period for which periodic child support may be ordered.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 4.02, Family Code, is amended to read as follows:

Sec. 4.02. **DUTY TO SUPPORT.** Each spouse has the duty to support the other spouse, and each parent has the duty to support his or her ~~minor~~ child, *during the period that the child is a minor, and thereafter so long as the child is fully enrolled in an accredited primary or secondary school in a program leading toward a high school diploma, until the end of the school year in which the child graduates.* A spouse or parent who fails to discharge the duty of support is liable to any person who provides necessities to those to whom support is owed.

**SECTION 2.** Subsection (a), Section 14.05, Family Code, is amended to read as follows:

(a) The court may order either or both parents to make periodic payments or a lump-sum payment, or both, for the support of the child until he is 18 years of age in the manner and to the persons specified by the court in the decree; *provided that, if the child is fully enrolled in an accredited primary or secondary school in a program leading toward a high school diploma, the order for periodic support of that child may provide that payments continue until the end of the school year in which the child graduates.* In addition, the court may order a parent obligated to support a child to set aside property to be administered for the support of the child in the manner and by the persons specified by the court in the decree. In determining the amount of child support, the court shall consider all appropriate factors, including but not limited to the needs of the child, the ability of the parents to contribute to the child's support, any financial resources available for the support of the child, and any schedules, guidelines, and formulas adopted by the court. The court by local rule may establish and publish schedules, guidelines, and formulas to be used by the court in determining the amount and manner of child support.

**SECTION 3.** (a) This Act takes effect September 1, 1985.

(b) Section 2 of this Act applies to orders and modifications of orders that are made on or after the effective date of this Act.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 16, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 1059 on May 13, 1985, by a non-record vote; passed by the Senate, with amendments, on May 9, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 24, 1985

Effective: September 1, 1985