

CHAPTER 358

H.B. No. 335

An Act relating to child support collection services in Smith County.

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

SECTION 1. Section 2(e), Article 5139E-1, Revised Statutes, is amended to read as follows:

(e) A service fee for receiving and disbursing payments, not to exceed \$2.50 per month, *may* ~~shall~~ be assessed *in the discretion of* ~~by~~ the court against each payor or payee of child support that is ordered by a court to be paid to a child support office. However, if the payor is a member of the armed services and the monthly payments for child support exceed the amount ordered by the court, the recipient (payee) of the support payments shall be the person responsible for paying the service fee into the child support office. *The* ~~Except as prescribed by this~~

~~subsection, the] service fee applies to all support payments ordered paid to a child support office after the effective date of this amendment and to all other such payments, even though ordered prior to the effective date of this amendment, when the person ordered to make such payments has defaulted and has been cited for contempt of court. [A payor or a payee whose annual income is equal to or less than the federal poverty income guideline in effect when the support order is made is not required to pay the service fee authorized by this subsection.] The service fee shall be collected by the child support office from the payor or payee as directed by the court [annually in advance] and shall be paid to the County Treasurer on the last day of each calendar month, to be kept in a separate account to be known as the child support fund. This fund shall be administered by the Juvenile Board, subject to the approval of the Commissioners Court, for the purpose of assisting in the payment of the salaries and operating expenses of the child support office and in the payment of expenses and costs for other family law or juvenile court services. Unless the court provides a different method for collection of the service fee, the fee is due and payable monthly if the support payments are to be paid monthly, annually if the support payments are to be paid annually, and weekly if the support payments are to be paid weekly. The annual service fee is 12 times the monthly service fee, and the weekly service fee is 1/52 of the annual fee. If the support payments are for any other interval, the court shall provide for the due date of the service fee and shall allocate the service fee fairly among the periods. If [The first service fee shall be due on the date the payor of support payments has been ordered by the court to commence payments for child support and thereafter on each succeeding annual anniversary of the original court order for payment. In those instances where the payee is charged with the responsibility of making the service fee payments, the first payment shall be due on the date of receipt of the initial support payment and annually thereafter on the anniversary of the date of the receipt of the first support allotment check so long as] the payor is a member of the armed services and if the military [so long as] support allotment payments exceed the amount of support ordered by the court, the payor may not be required to pay the service fee. Failure or refusal of a person to pay the service fee on time and in the amount ordered by the court shall make that person susceptible to an action of contempt of court. A record shall be kept of all service fees collected and expended. The child support fund is subject to regular audit by the County Auditor or other duly authorized person. Annual reports of receipts and expenditures in this account shall be made to the Commissioners Court.~~

SECTION 2. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 14, 1985, by the following vote: Yeas 135, Nays 0, 1 present, not voting; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 10, 1985

Effective: Immediately