

## CHAPTER 232

## S.B. No. 1175

An Act relating to procedures to establish and enforce payment of child support, to child support collection, parent locator, and paternity determination services, to the conservatorship and possession of and access to children, to suits affecting the parent-child relationship, and to the recognition and enforcement of orders from other jurisdictions; enacting the Model Interstate Income Withholding Act; amending the Family Code, as amended, by amending Subsection (b) of Section 11.04, Subsection (b) of Section 11.12, Subsection (a) of Section 14.05, Section 21.66, and the table of contents of Chapter 14; by adding Subdivisions (10) and (11) to Section 11.01, Subsections (e) and (f) to Section 14.05, Sections 14.13, 14.50, and 14.51, and new Subchapters B and C to Chapter 14; and by repealing Sections 14.09, 14.091, and 14.12; amending Subsections (b) and (d), Section 5, Article 42.03, Code of Criminal Procedure, 1965, as amended; adding Subtitle D to Title 3, Human Resources Code.

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

**SECTION 1. PURPOSE.** It is the purpose of this Act to promote the well-being of children through the timely fulfillment of parents' obligations to support their children. The legislature intends the measures enacted herein to provide greater equity and uniformity in the establishment of support obligations and to enhance the effectiveness and timeliness of the enforcement of support obligations. It is a further purpose to participate in a nationwide system of child support enforcement established pursuant to Part D of Title IV of the federal Social Security Act, as amended (42 U.S.C. Section 651 et seq.), and to meet requirements established for such participation as set forth in that legislation and the federal regulations promulgated

under it. This Act shall be liberally construed as equitably, economically, and expeditiously as possible.

**SECTION 2.** Section 11.01, Family Code, as amended, is amended by adding Subdivisions (10) and (11) to read as follows:

“(10) ‘Obligor’ means any person required to make payments under the terms of a support order for a child.

“(11) ‘Obligee’ means any person or entity entitled to receive payments under an order of child support and shall include an agency of this state or of another jurisdiction to which a person has assigned his or her right to support.”

**SECTION 3.** Subsection (b), Section 11.04, Family Code, is amended to read as follows:

“(b) A suit in which adoption is sought may be brought in the county where the child resides or in the county where [;] the petitioners reside [; or if the child is placed for adoption by an authorized agency, in the county where the authorized agency is located].”

**SECTION 4.** Subsection (b), Section 11.12, Family Code, is amended to read as follows:

“(b) The social study may be made by any state agency, including the Texas Department of Human Resources [; or any private agency,] or any person appointed by the court. [If an authorized agency is the managing conservator, the social study shall be made by the authorized agency.] The social study shall be made according to criteria established by the court.”

**SECTION 5.** Chapter 14, Family Code, as amended, is amended by amending the table of contents preceding Section 14.01 to read as follows:

“CHAPTER 14. CONSERVATORSHIP, POSSESSION, AND SUPPORT OF CHILDREN

“SUBCHAPTER A. ESTABLISHMENT AND MODIFICATION

“Section

“14.01. Court Appointment of Managing Conservator.

“14.02. Rights, Privileges, Duties, and Powers of Managing Conservator.

“14.03. Possession of and Access to Child.

“14.031. Notice of Change of Residence.

“14.04. Rights, Privileges, Duties, and Powers of Possessory Conservator.

“14.05. Support of Child.

“14.06. Agreements Concerning Conservatorship.

“14.07. Best Interest of Child.

“14.08. Modification of Order.

“14.09. [Blank] [Enforcement of Order].

“14.091. [Blank] [Assignment of Income for Child Support].

“14.10. Habeas Corpus.

“14.11. [Blank].

“14.12. [Blank] [Probation of Contempt Order].

“SUBCHAPTER B. ENFORCEMENT OF COURT ORDERS FOR CHILD SUPPORT AND POSSESSION OF AND ACCESS TO A CHILD

“Section

“14.30. General Provisions Governing Enforcement of Court Orders for Child Support and For Possession of and Access to a Child.

“14.31. Procedure in Enforcement Proceedings.

“14.32. Hearing.

“14.33. Order of Court.

“14.40. Enforcement by Contempt of Child Support Orders.

“14.41. Judgment for Past-Due Child Support Payments.

“14.42. Security for Payment of Child Support Obligation.

“14.43. Withholding From Earnings.

“14.50. Enforcement by Contempt of Orders for the Possession of and Access to a Child.

“14.51. Security for Compliance with Order Granting Possession of and Access to a Child.

“SUBCHAPTER C. MODEL INTERSTATE INCOME WITHHOLDING ACT

“Section

"14.61. General Provisions.

"14.62. Initiation of Income Withholding and Cooperation With Other Jurisdictions.

"14.63. Responsibilities for Entering a Support Order of Another Jurisdiction for Purposes of Income Withholding.

"14.64. Notice.

"14.65. Income Withholding Hearing.

"14.66. Income Withholding Order.

"14.67. Notice to Employer/Payor and Other Provisions.

"14.68. Distribution of Collected Support Payments.

"14.69. Changes.

"14.70. Voluntary Income Withholding.

"14.71. Choice of Law."

**SECTION 6.** Subsection (a), Section 14.05, Family Code, as amended, 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 or she is 18 years of age in the manner and to the persons specified by the court in the decree. 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. After reviewing the recommendations of the Texas Commission on Child Support, the Supreme Court of Texas shall by rule adopt guidelines to compute an equitable amount of child support to guide the courts in determining the amount of child support. In determining the amount of child support, the court shall consider all appropriate factors, including but not limited to the guidelines adopted by the supreme court, the needs of the child, the ability of the parents to contribute to the child's support, and 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 7.** Section 14.05, Family Code, as amended, is amended by adding Subsections (e) and (f) to read as follows:

"(e) Except for good cause shown, on agreement of the parties, or as provided in Subsection (f) of this section, in every proceeding in which periodic payments of child support are ordered, the court shall order that income be withheld from the disposable earnings of the obligor to conform with the provisions of Subchapter B of this chapter. The court shall order that income withheld for child support shall be paid through a court registry, a child support collection office, or the attorney general, unless the court finds that there is good cause to require payments to be made to another person or office.

"(f) In any proceeding brought under Part D of Title IV of the federal Social Security Act, as amended (42 U.S.C. Section 651 et seq.), the court shall order that income be withheld from the disposable earnings of the obligor and that all child support payments shall be paid through the Attorney General of Texas."

**SECTION 8.** Chapter 14, Family Code, is amended by adding Section 14.13 to read as follows:

"Section 14.13. EXEMPTION FROM COURT FEES: ATTORNEY GENERAL. A clerk, auditor, sheriff, or other government officer or employee may not charge a fee or other amount for services rendered in connection with an action or proceeding in which the attorney general of this state is representing a party for the purpose of obtaining child support."

**SECTION 9.** Chapter 14, Family Code, as amended, is amended by adding a new Subchapter B to read as follows:

**"SUBCHAPTER B. ENFORCEMENT OF COURT ORDERS FOR CHILD SUPPORT AND POSSESSION OF AND ACCESS TO A CHILD**

"Section 14.30. GENERAL PROVISIONS GOVERNING ENFORCEMENT OF COURT ORDERS FOR CHILD SUPPORT AND FOR POSSESSION OF AND ACCESS TO A CHILD. (a) Definitions. In this subchapter:

"(1) 'Earnings' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension, disability and retirement program, and unemployment benefits.

"(2) 'Disposable earnings' means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld, union

dues, nondiscretionary retirement contributions, and medical, hospitalization, and disability insurance coverage for the obligor and his or her children.

“(3) ‘Employer’ means any person, including the United States and any governmental entity as defined by Section 11.01 of this code. ‘Person’ shall include but is not limited to individuals, partnerships, and corporations.

“(b) Jurisdiction. Proceedings under this subchapter shall be commenced in the court with continuing, exclusive jurisdiction of the suit affecting the parent-child relationship as provided in Section 11.05 of this code.

“(c) Venue and Transfer. Venue for proceedings brought under this subchapter shall be as provided in Section 11.04 of this code or, when applicable, according to the transfer provisions of Section 11.06 of this code.

“(d) Other Remedies Not Precluded. The use of any proceeding under this subchapter for the enforcement of a court order for the support of a child or for possession of and access to a child shall not be construed to limit or to preclude the use of any other civil or criminal proceeding to enforce child support obligations or rights to possess or have access to a child. These other remedies include but are not limited to:

“(1) enforcement of a support order under Rule 308-A of the Texas Rules of Civil Procedure or any subsequent version of the rule promulgated by the Supreme Court of Texas;

“(2) a suit for damages under Chapter 36 of this code or any other civil suit allowed by law for enforcing a right to possession of and access to a child;

“(3) prosecution for offenses against the family under the provisions of Chapter 25 of the Penal Code;

“(4) civil or criminal remedies provided by Titles 3 and 4 of this code; and

“(5) a petition for writ of habeas corpus under Section 14.10 of this code.

“(e) Procedure. Except as otherwise provided in this subchapter, the procedure in enforcement proceedings shall be as in suits affecting the parent-child relationship generally.

“Section 14.31. PROCEDURE IN ENFORCEMENT PROCEEDINGS. (a) Proceeding Commenced By Motion. Enforcement proceedings under this subchapter shall be commenced by the filing of a motion to enforce the order, judgment, or decree.

“(b) Pleading. (1) Contents of Motion. Motions under this subchapter shall be verified as to the truth of the facts alleged by the party seeking enforcement of the court order. The motion shall set out specifically and with particularity the provisions of the order, decree, or judgment sought to be enforced and, in separate counts, the time, date, and place of each occasion upon which the respondent has not complied with the order, the manner of the noncompliance, and the relief sought by the movant. The movant or the movant’s attorney shall sign the motion.

“(2) Joinder of Claims and Remedies. A party seeking enforcement of a court order under this subchapter may join in the same proceeding, either independently or alternately, as many claims and remedies as he has against another party, whether such claims arise under this chapter, other provisions of this subtitle, or other provisions or rules of law. Claims that may be joined include but are not limited to proceedings to:

“(A) enforce a child support order by contempt under Section 14.40 of this code;

“(B) reduce child support arrearages to judgment under Section 14.41 of this code;

“(C) require a person obligated to support a child to furnish bond or other security under Section 14.42 of this code;

“(D) require withholding from earnings under Section 14.43 or Subchapter C of this chapter;

“(E) enforce a right to possess and have access to a child by contempt under Section 14.50 of this code;

“(F) require a person to furnish bond or other security to ensure compliance with a court order for possession of and access to a child under Section 14.51 of this code;

“(G) transfer the proceeding because venue is improper under Section 11.06 of this code;

“(H) petition for further action concerning a child under Section 11.07 of this code;

“(I) modify an existing order or decree under Section 14.08 of this code;

“(J) petition for a writ of habeas corpus under Section 14.10 of this code; and

“(K) recover damages under Chapter 36 of this code.

“(c) Duty of Court on Filing of Motion. On the filing of a motion under this subchapter, the court shall endorse thereon the time, place, and date of the hearing at which the respondent shall appear and respond to the motion. The hearing shall be held no sooner than 10 a.m. of the Monday next after the expiration of 20 days from the date of service, except that if enforcement by contempt under Section 14.40 of this code is the only remedy sought by the movant, the court may direct the respondent to appear on a date not sooner than 10 days from the date of service to show cause why he should not be adjudged in contempt.

“(d) *Notice of Motion.* A respondent or alleged contemnor is entitled to 10 days’ notice of a proceeding under Rule 308-A of the Texas Rules of Civil Procedure or of a proceeding under this subchapter in which contempt under Section 14.40 of this code is the only remedy sought. In all other proceedings the provisions of the Texas Rules of Civil Procedure applicable to the filing of an original lawsuit shall apply to a motion to enforce under this subchapter. Each party whose rights, privileges, duties, or powers may be affected by the motion to enforce is entitled to receive notice by the service of citation commanding the person to appear by filing a written answer. An employer who may be ordered to withhold income from earnings under Section 14.43 of this code need not be given notice except as required by that section. After the filing of an answer, the proceedings shall be conducted in the same general manner as in other civil cases.

“Section 14.32. *HEARING.* (a) *Evidence.* The determination of the motion to enforce shall be made by the court on the basis of the pleadings and the evidence offered by the parties. All allegations of facts in the motion shall be taken as true unless specifically denied by the respondent in a verified denial.

“(b) *Court Reporter.* Except when entry of an order is agreed on by the parties, no enforcement order under this subchapter shall be entered unless a record of the proceedings is made by a court reporter.

“(c) *Testimony of Parties.* Except as to privileged matters, all parties and witnesses to an enforcement proceeding shall testify fully with regard to the best interest of the child.

“Section 14.33. *ORDER OF COURT.* (a) *Contents.* An enforcement order shall contain findings setting out specifically and with particularity or incorporating by reference the provisions of the order, decree, or judgment for which enforcement was sought, and the time, date, and place of each and any occasion on which the respondent failed to comply with such provision, and setting out the relief awarded by the court.

“(b) *Attorney’s Fees and Costs.* The court may enter orders for attorney’s fees and costs in any enforcement proceeding under this subchapter as provided in Section 11.18 of this code.

“Section 14.40. *ENFORCEMENT BY CONTEMPT OF CHILD SUPPORT ORDERS.* (a) *Contempt Powers of Court.* After notice and hearing, any decree or order of the court for child support may be enforced by contempt.

“(b) *Time Limitations.* The court retains jurisdiction to enter a contempt order if a motion for contempt for failure to comply with a court’s child support order is filed within six months after:

“(1) the child becomes an adult; or

“(2) the date on which the child support obligation terminates pursuant to the decree or order or by operation of law.

“(c) *Possession of Child by Obligor.* If the managing conservator has voluntarily relinquished to an obligor the actual care, control, and possession of a child for a time period in excess of any court-ordered periods of possession of and access to the child, the obligor may affirmatively plead and prove the fact that actual support was supplied to the child as a defense in whole or in part to a motion for contempt for failure to make periodic payments according to the terms of a court order.

“(d) *Retroactive Modification.* The court may not reduce or modify the amount of child support arrearages in a contempt proceeding.

“(e) *Probation of Contempt Order.*

“(1) *Conditions of Probation.* If the court finds that an obligor is in contempt of the court for the failure or refusal to make a payment, the court may suspend commitment and place the obligor on probation on the condition that the obligor shall continue the court-ordered child support payments and on other reasonable conditions that the court requires.

“The terms and conditions of probation may include but need not be limited to the conditions that the probationer shall:

“(A) report to the probation officer as directed;

“(B) permit the probation officer to visit him at his home or elsewhere;

“(C) obtain counseling on financial planning, budget management, alcohol or drug abuse, or other matters causing the obligor to fail to pay the child support payments; and

“(D) pay all court costs and attorney’s fees set by the court.

“(2) *Term of Probation.* The probation may be for any period not to exceed five years.

“(3) *Probationary Fees.* A court may require the obligor to pay a fee to the court in an amount equal to that required of criminal probationers. The court may make payment of the fee a condition of granting or continuing probation.

“The court shall deposit the fees received under this section in the special fund of the county treasury provided by Subsection (b), Section 4.05, Article 42.121, Code of Criminal Procedure, 1965, to be used for the provision of adult probation or community-based adult corrections services other than a jail or prison.

“(4) *Motion to Revoke Probation.* A prosecuting attorney, the attorney general, or an obligee may file a verified motion with the court alleging specifically and with particularity that certain conduct of the obligor constitutes a violation of the terms and conditions of probation.

“(5) *Arrest for Alleged Violation of Probation.* If the motion to revoke probation alleges a prima facie case that the obligor has violated a term or condition of probation, the court may cause the obligor's arrest by warrant. An arrested obligor shall be brought promptly before the court causing the arrest.

“(6) *Hearing.* The court shall hold a hearing without a jury on or before the first working day after the obligor is arrested. If the court is unavailable for a hearing on the first working day, then, and only in that event, the hearing shall be held no later than the first working day after the court becomes available; provided that the hearing is held no later than the third working day after the obligor is arrested. After the hearing, the court may continue, modify, or revoke the probation as the evidence warrants.

“(7) *Discharge from Probation.* When a probationary period has been satisfactorily completed, the court shall on its own motion discharge the obligor from probation. On the motion of an obligor who has satisfactorily completed one year of probation while not delinquent in the payment of child support and not in violation of the probationary order, the court may discharge the obligor from probation.

“Section 14.41. **JUDGMENT FOR PAST-DUE CHILD SUPPORT PAYMENTS.** (a) *Judgment for Arrearages.* On the motion of an obligee, after notice and hearing, the court shall render judgment against an obligor for any amount of child support unpaid and owing. The judgment may be enforced by any means available for the enforcement of judgments for debts.

“(b) *Time Limitations.* The court may not enter a judgment for unpaid child support payments that were due and owing more than 10 years before the filing of the motion to render judgment under this section. The court retains jurisdiction to enter judgment for past-due child support obligations if a motion to render judgment for the arrearages is filed within two years after:

“(1) the child becomes an adult; or

“(2) the date on which the child support obligation terminates pursuant to the decree or order or by operation of law.

“(c) *Possession of Child by Obligor.* If the managing conservator has voluntarily relinquished to the obligor the actual care, control, and possession of a child for a time period in excess of the court-ordered periods of possession of and access to the child, the child support order continues unabated until further order of the court as provided by Section 14.08 of this code. However, an obligor who has provided actual support to the child during such time periods may seek reimbursement for that support as a counterclaim or offset against the claim of the managing conservator. An action against the managing conservator for support supplied to a child shall be limited to the amount of periodic payments previously ordered by the court.

“(d) *Retroactive Modification.* The court may not reduce or modify the amount of child support arrearages in rendering judgment under this section.

“Section 14.42. **SECURITY FOR PAYMENT OF CHILD SUPPORT OBLIGATION.** (a) *Bond or Other Security.* If an obligor is employed by an employer not subject to the jurisdiction of the court or is a person to whom the application of Section 14.43 of this code is unworkable or inappropriate under existing circumstances, the court may order the obligor to execute a bond, subject to the approval of the court, or to deposit security with the court. The bond or security deposit is to be in an amount set by the court and conditioned on the payment of past-due and future child support payments. The bond or security deposit shall be payable to the obligee or such other person or entity designated by the court.

“(b) *Forfeiture of Bond or Other Security.* On the motion of a person or entity for whose benefit a bond has been executed or security deposited, the court, after notice and hearing, may forfeit all or part of the bond or security deposit for any amount of child support payments that are due and owing upon proof that one or more child support payments are unpaid.

“(c) *Application of Forfeited Funds.* Funds collected from a forfeited bond or security deposit shall be paid to the obligee and shall be applied to the outstanding child support arrearages of the obligor.

“(d) *Joinder of Forfeiture and Contempt Proceedings.* Proceedings to enforce a past-due child support by contempt under Section 14.40 of this code may be joined with a forfeiture proceeding under this section.

“(e) *Forfeiture of Bond or Security Deposit No Defense to Contempt.* The application of funds from the bond or security deposit to the obligor's indebtedness is not a defense in a contempt proceeding.

“(f) *Application of Excess Forfeited Funds.* If the proceeds of the forfeited bond or security deposit exceed the amount of child support arrearages, the court may in its discretion order that all

or a portion of the excess amount shall be applied to payment of attorney's fees and costs incurred by the person or entity bringing the motion for contempt or motion for forfeiture.

"Section 14.43. **WITHHOLDING FROM EARNINGS FOR CHILD SUPPORT.** (a) *Duty of Court to Order Income Withholding.* Except for good cause shown, on agreement of the parties, or as provided in Subsection (b) of this section, the court shall enter an order that provides that income be withheld from the disposable earnings of the obligor:

"(1) in every original suit affecting the parent-child relationship in which child support payments are ordered;

"(2) on motion to require income withholding regarding a child support order entered before the effective date of this subchapter; provided that at the time the motion is filed the obligor is shown to have been in arrears for a time period of at least 30 days for some portion of the amount due and is currently in arrears for an amount equal to or greater than that due for a one-month period; or

"(3) on motion to modify an order entered after the effective date of this subchapter that did not originally order income withheld; provided that the obligor is shown to have been in arrears for a time period of at least 30 days for some portion of the amount due and is currently in arrears for an amount equal to or greater than that due for a one-month period.

"(b) *Title IV Suits.* In any proceeding brought under Part D of Title IV of the federal Social Security Act, as amended (42 U.S.C. Section 651 et seq.), the court shall order that income be withheld from the disposable earnings of the obligor and that all child support payments shall be paid through the Attorney General of Texas.

"(c) *Payment.* The court shall order that income withheld for child support be paid through a court registry, a child support collection office, or the attorney general, unless the court finds that there is good cause to require payments to be made to another person or office.

"(d) *Withholding for Arrearages.* In addition to income withheld for the current support of a child, in appropriate circumstances and in accordance with the guidelines established for child support payments as provided in Section 14.05(2) of this code, the court shall enter an order that income be withheld from the disposable earnings of the obligor to be applied toward the liquidation of any child support arrearages.

"(e) *Contents of Order.* An order withholding income shall state:

"(1) the style, docket number, and court having continuing jurisdiction of the suit;

"(2) the name, address, and, if available, the social security number of the obligor;

"(3) the amount and duration of the child support payments;

"(4) the name, address, and, if available, the social security numbers of the child and the obligee;

"(5) the name and address of the person or agency to whom the payments shall be made; and

"(6) any other matter deemed necessary to effectuate the order.

"The court shall order the obligor to notify the court promptly of any change affecting the order and that the ordered amount be paid to the attorney general, the court registry, or a child support collection office serving the court, unless the court finds there is good cause to require that payments be made directly to the obligee or to another person or office.

"(f) *Amount Withheld From Earnings.* The court shall enter an order directing that any employer of the obligor withhold from the obligor's disposable earnings the amount specified in the order, up to the maximum amount permitted under Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. Section 1673(b).

"(g) *Issuance of Order.* On the request of the prosecuting attorney, the attorney general, or the obligee, the clerk of the court shall cause a certified copy of the order withholding income from earnings to be delivered to the obligor's current employer or to any subsequent employer of the obligor. In addition, the clerk shall attach a copy of this section to the order for the information of the employer.

"(h) *Notice and Effective Date of Order.* The employer shall begin to withhold income in accordance with the order no later than the first pay period which occurs 14 days following the date on which the order was served and shall continue to withhold income as long as the obligor is employed by the employer. Delivery of the order to the employer shall be by certified or registered mail, return receipt requested, or by the service of citation as provided by the Texas Rules of Civil Procedure. After the effective date, the ordered amount to be withheld, less any administrative fee, shall be remitted to the person or office named in the order on each regular due date or pay date.

"(i) *Fees.* The employer may deduct from the ordered amount an administrative fee of not more than \$5 per month to be credited towards the obligor's payment of support. The clerk of the court may charge the requestor a reasonable fee for each order delivered to an employer by mail, not to exceed \$5.

“(j) *Hearing Requested by Employer.* Within 20 days after service of the order, the employer may make a motion for hearing on the applicability of the order to the employer. The hearing shall be held within 15 days following the filing of the motion. Pending the hearing, the order remains binding and payments shall continue to be made unless otherwise ordered by the court.

“(k) *Priority of Withholding.* An order made under this section has priority over any garnishment, attachment, execution, or other assignment or order affecting disposable earnings.

“(l) *Liability and Obligation of Employer for Payments.* An employer served with an order under this section who complies with the order is not liable to the obligor for the amount of income withheld and paid as provided in the order. An employer who does not comply with the order is liable to the obligee for the amount not paid in compliance with the order and for reasonable attorney’s fees and court costs. An employer served with two or more orders on any named obligor shall comply with all orders. If the total amount in the orders exceeds the maximum amount allowable under this section, the employer shall pay an equal amount on all orders until the orders are individually complied with or until the maximum amount of allowable withholding is reached, whichever occurs first.

“(m) *Employer’s Penalty for Discriminatory Hiring or Discharge.* An employer may not use an order authorized by this subchapter as grounds in whole or part for the termination of employment or for any other disciplinary action against an employee. An employer may not refuse to hire an employee because of an order withholding income. If an employer intentionally discharges an employee in violation of this subsection, the employer continues to be liable to the employee for current wages and other benefits and for reasonable attorney’s fees and court costs incurred by the employee in enforcing the employee’s rights under this subsection. An action under this subsection may be brought only by the employee.

“(n) *Fine for Employers.* In addition to the remedies provided by Subsections (l) and (m) of this section or by any other remedy provided by law, an employer who knowingly violates the provisions of those subsections is subject to a fine not to exceed \$50.

“(o) *Notice of Termination of Employment and of New Employment.* If and when an obligor terminates employment with an employer who has been withholding income, both the obligor and the employer shall notify the court and the obligee of that fact within seven days of the termination of employment and shall provide the obligor’s last known address and the name and address of the obligor’s new employer, if known. The obligor has a continuing duty to inform any subsequent employer of the income withholding order after obtaining employment.

“(p) *Form of Order Withholding Income.* The attorney general shall promulgate by regulation a form for the order withholding income that shall be sufficient if entered by a court in substantially the prescribed manner.”

**SECTION 10.** Chapter 14, Family Code, as amended, is amended by adding Sections 14.50 and 14.51 to new Subchapter B.

“**Section 14.50. ENFORCEMENT BY CONTEMPT OF ORDERS FOR THE POSSESSION OF AND ACCESS TO A CHILD.** (a) *Contempt Powers of Court.* After notice and hearing, any decree or order of the court for possession of and access to a child may be enforced by contempt.

“(b) *Time Limitations.* The court retains jurisdiction to enter a contempt order if a motion for contempt for failure to comply with a court’s order of possession and access is filed within six months after:

“(1) the child becomes an adult; or

“(2) the date on which the right of possession and access terminates pursuant to the decree or order or by operation of law.

“(c) *Relinquishment of Possession of Child.* An alleged contemnor may plead and prove that the movant voluntarily relinquished the actual care, control, and possession of the child for the time encompassed by court-ordered periods of possession of and access to the child alleged to have been interfered with. Such a relinquishment is a defense in whole or part to a motion for contempt for failure to permit the movant to possess and to have access to the child according to the terms of a court order.

“(d) *Probation of Contempt Order.*

“(1) *Conditions of Probation.* If the court finds that a person who has been ordered to allow the movant to possess and have access to a child is in contempt of the court for the failure or refusal to permit such possession and access, the court may suspend commitment and place the person on probation on the condition that the person shall allow the court-ordered rights of possession and access and on other reasonable conditions that the court requires.

“The terms and conditions of probation may include but need not be limited to the conditions that the probationer shall:

“(A) report to the probation officer as directed;

“(B) permit the probation officer to visit him at his home or elsewhere;



“(C) obtain counseling on financial planning, budget management, alcohol or drug abuse, or other matters causing the defendant to fail to permit the movant to possess or have access to the child; and

“(D) pay all court costs and attorney’s fees set by the court.

“(2) Term of Probation. The probation may be for any period not to exceed five years or until discharged.

“(3) Probationary Fees. A court may require the probationer to pay a fee to the court in an amount equal to that required of criminal probationers. The court may make payment of the fee a condition of granting or continuing the probation.

“The court shall deposit the fees received under this section in the special fund of the county treasury provided by Subsection (b), Section 4.05, Article 42.121, Code of Criminal Procedure, 1965, to be used for the provision of adult probation or community-based adult corrections services other than a jail or prison.

“(4) Motion to Revoke Probation. A prosecuting attorney, the attorney general, or a person entitled to possession of or access to a child may file a verified motion with the court alleging specifically and with particularity that certain conduct of the probationer constitutes a violation of the terms and conditions of probation.

“(5) Arrest for Alleged Violation of Probation. If the motion to revoke probation alleges a prima facie case that the probationer has violated a term or condition of probation, the court may cause the probationer’s arrest by warrant. An arrested probationer shall be brought promptly before the court causing the arrest.

“(6) Hearing. The court shall hold a hearing without a jury on or before the first working day after the probationer is arrested. If the court is unavailable for a hearing on the first working day, then, and only in that event, the hearing shall be held no later than the first working day after the court becomes available; provided that the hearing is held no later than the third working day after the probationer is arrested. On conclusion of the hearing, the court may continue, modify, or revoke the probation as the evidence warrants.

“(7) Discharge from Probation. When a probationary period has been satisfactorily completed, the court shall on its own motion discharge the probationer from probation. On the motion of a probationer who has satisfactorily completed one year of probation while not denying the movant’s right of possession or access and not being in violation of the probationary order, the court may discharge the probationer from probation.

“Section 14.51. SECURITY FOR COMPLIANCE WITH ORDER GRANTING POSSESSION OF AND ACCESS TO A CHILD. (a) Bond or Other Security. If a person under court order to permit another to possess or have access to a child has on two or more occasions denied such possession or access, the court, after notice and hearing, may order the person to execute a bond, subject to the approval of the court, or deposit security with the court, the bond or security deposit to be conditioned on compliance with the court order permitting possession or access. The bond or security deposit shall be payable to the person or entity entitled to possess or have access to the child.

“(b) Forfeiture of Bond or Other Security. On the motion of a person or entity for whose benefit a bond has been executed or security deposited, the court, after notice and hearing, may forfeit all or part of the bond or security deposit upon proof that on one or more occasions the person who has furnished bond or deposited security has violated the court order for possession of and access to the child.

“(c) Application of Forfeited Funds. Funds collected from a forfeited bond or security deposit shall be paid to the person entitled to possess or have access to the child.

“(d) Joinder of Forfeiture and Contempt Proceedings. Proceedings to enforce a right of possession or access by contempt under Section 14.50 of this code may be joined with a forfeiture proceeding under this section.

“(e) Forfeiture of Bond or Security No Defense to Contempt. The forfeiture of bond or security funds under this section is not a defense in a contempt of court proceeding under Section 14.50 of this code.

“(f) Application of Forfeited Funds. The court may in its discretion order that all or a portion of the forfeited amount shall be applied to payment of attorney’s fees and costs incurred by the person or entity bringing the motion for contempt or motion for forfeiture.”

**SECTION 11.** Chapter 14, Family Code, as amended, is amended by adding a new Subchapter C, Model Interstate Income Withholding Act, to read as follows:

**“SUBCHAPTER C. MODEL INTERSTATE INCOME WITHHOLDING ACT**

“Section 14.61. GENERAL PROVISIONS. (a) Purpose. The purpose of this subchapter is to enhance the enforcement of support obligations by providing a quick and effective procedure for the

withholding of income derived in this jurisdiction, to enforce support orders of other jurisdictions, and to enforce the support orders of this jurisdiction by requiring that income withholding be sought in other jurisdictions. This subchapter shall be construed liberally to effect that purpose.

“(b) Definitions. As used in this subchapter:

“(1) ‘Support order’ means any order, decree, or judgment for the support or for the payment of arrearages on such support of a child, spouse, or former spouse issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance, conservatorship, paternity, guardianship, civil protection, or otherwise.

“(2) ‘Jurisdiction’ means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(3) ‘Court’ means a court of this state as defined in Subdivision (2) of Section 11.01 of this code and, when the context requires, means either the court or agency of any other jurisdiction with functions similar to those defined in this subchapter, including the issuance and enforcement of support orders.

“(4) ‘Attorney General’ means the Child Support Enforcement Division of the Office of the Attorney General of Texas charged with the income withholding function, and ‘Agency’ means the Texas Department of Human Resources and, when the context requires, means either the court or agency of any other jurisdiction with functions similar to those defined in this subchapter, including the issuance and enforcement of support orders.

“(5) ‘Child’ means any child, whether above or below the age of majority, with respect to whom a support order exists.

“(6) ‘Income’ means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension, disability and retirement program, and unemployment benefits.

“(7) ‘Employer’ and ‘Payor’ means any person, including the United States and any governmental entity as defined by Section 11.01 of this code. ‘Person’ shall include but is not limited to individuals, partnerships, and corporations.

“(8) ‘Income derived in this jurisdiction’ means earnings and any other income of the obligor from whatever source which may be subjected to income withholding by a court of this state.

“(9) ‘Obligor’ means any person required to make payments under the terms of a support order for a child and, for this subchapter only, also means any person required by a court of another state with jurisdiction over the person of the obligor to make payments for the support of a spouse or former spouse in whose household at least one child of the obligor lives.

“(c) Remedies Additional to Those Now Existing. The remedy herein provided is in addition to and not in substitution for any other remedy otherwise available to enforce a support order of another jurisdiction. Relief under this subchapter shall not be denied, delayed, or otherwise affected because of the availability of other remedies nor shall relief under any other statute be delayed or denied because of the availability of this remedy.

“Section 14.62. INITIATION OF INCOME WITHHOLDING AND COOPERATION WITH OTHER JURISDICTIONS. On behalf of any obligee receiving or eligible to receive support enforcement services from the attorney general, the attorney general shall promptly request the agency of another jurisdiction in which the obligor of a support order derives income to enter the order for the purpose of obtaining income withholding against such income. The attorney general shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order for this purpose. The attorney general also shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent modifications of the support order. If the attorney general receives notice that the obligor is contesting income withholding in another jurisdiction, the individual obligee shall immediately be notified of the date, time, and place of the hearings and of the obligee’s right to attend.

“Section 14.63. RESPONSIBILITIES FOR ENTERING A SUPPORT ORDER OF ANOTHER JURISDICTION FOR PURPOSES OF INCOME WITHHOLDING. (a) Upon receiving a support order of another jurisdiction with the documentation specified in Subsection (b) of this section from an agency of another jurisdiction, the attorney general shall file these documents with the clerk of the court in which withholding is being sought. The clerk of the court shall accept the documents filed, and such acceptance shall constitute entry of the support order under this Act.

“(b) The following documentation is required for the entry of a support order of another jurisdiction:

“(1) a certified copy of the support order with all modifications;

“(2) a certified copy of an order withholding income, if any, still in effect;

“(3) a copy of the portion of the income withholding statute of the jurisdiction which issued the support order which states the requirements for obtaining income withholding under the law of that jurisdiction;

“(4) a sworn statement of the obligee or a certified statement of the agency of the arrearages and the assignment of support rights, if any;

“(5) a statement of:

“(A) the name, address, and social security number of the obligor, if known;

“(B) the name and address of the obligor’s employer or of any other source of income of the obligor derived in this state against which income withholding is sought; and

“(C) the name and address of the agency or person to whom support payments collected by income withholding shall be transmitted.

“(c) If the documentation received under Subsection (a) of this section does not conform to the requirements of Subsection (b) of this section, the attorney general shall remedy any defect which he can without the assistance of the requesting agency or person. If the attorney general is unable to make such corrections, the requesting agency or person shall immediately be notified of the necessary additions or corrections. In neither case shall the documentation be returned. The attorney general and the court shall accept the documentation required by Subsections (a) and (b) of this section even if it is not in the usual form required by state or local rules, so long as the substantive requirements of these subsections are met.

“(d) A support order entered under Subsection (a) of this section shall be enforceable by income withholding against income derived in this state in the manner and with the effect as set forth in Sections 14.43 and 14.64 through 14.71 of this code. Entry of the order shall not confer jurisdiction on the courts of this state for any purpose other than income withholding.

“Section 14.64. NOTICE. (a) On the date a support order is entered pursuant to Section 14.63 of this code, the court shall serve upon the obligor notice of a proposed order withholding income in accordance with Section 14.43 of this code. In addition to the information required in all such notices, the obligor shall also be advised that the order withholding income was requested on the basis of a support order of another jurisdiction. The date of serving notice on the obligor shall be the equivalent of service of citation for the purpose of measuring time for holding a hearing and rendering a decision.

“(b) If the obligor seeks a hearing to contest the proposed income withholding, the attorney general shall immediately notify the requesting agency, the obligee, the obligor, or the attorney for either of the date, time, and place of the hearing and of the obligee’s right to attend the hearing.

“Section 14.65. INCOME WITHHOLDING HEARING. (a) At any hearing contesting a proposed order withholding income based on a support order entered under Section 14.63 of this code, the entered order, accompanying sworn or certified statement, and a certified copy of the order withholding income, if any, still in effect shall constitute prima facie proof, without further proof or foundation, that the support order is valid, that the amount of current support payments and arrearages is as stated, and that the obligee would be entitled to income withholding under the law of the jurisdiction which issued the support order.

“(b) Once a prima facie case has been established, the obligor may raise only the following issues:

“(1) that withholding is not proper because of a mistake of fact that is not *res judicata* concerning such matters as an error in the amount of current support owed or arrearages that have accrued, mistaken identity of the obligor, or an error in the amount of income to be withheld;

“(2) that the court or agency which issued the support order entered under this subchapter lacked personal jurisdiction over the obligor;

“(3) that the support order entered under this subchapter was obtained by fraud; or

“(4) that the statute of limitations under Subsection (c) of Section 14.71 of this code precludes enforcement of all or part of the arrearages.

“The burden shall be on the obligor to establish these defenses.

“(c) If the obligor presents evidence which constitutes a full or partial defense, the court shall, on the request of the attorney general or the obligee, continue the case to permit further evidence relative to the defense to be adduced by either party. However, if the obligor acknowledges liability for the child support at issue, the court shall enter an order withholding income for the payment of current support and for so much of any arrearages as are not in dispute. The case shall be continued only with respect to those matters remaining in dispute. The court shall determine those matters as soon as possible and if appropriate shall modify the withholding order to conform to that resolution.

“(d) In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses in another state, including the parties and any of the children, by deposition, by written discovery, by

photographic discovery such as videotaped depositions, or by personal appearance before the court by telephone or photographic means. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

“(e) A court of this state may request the appropriate court or agency of another state to hold a hearing to adduce evidence, to permit a deposition to be taken before the court or agency, to order a party to produce or give evidence under other procedures of that state, and to forward to the court of this state certified copies of the evidence adduced in compliance with the request.

“(f) Upon request of a court or agency of another state the courts of this state which are competent to hear support matters may order a person in this state to appear at a hearing or deposition before the court to adduce evidence or to produce or give evidence under other procedures available in this state. A certified copy of the evidence adduced, such as a transcript or videotape, shall be forwarded by the clerk of the court to the requesting court or agency.

“(g) A person within this state may voluntarily testify by statement or affidavit in this state for use in a proceeding to obtain income withholding outside this state.

“Section 14.66. **ORDER WITHHOLDING INCOME.** If the obligor does not request a hearing in the time provided or if a hearing is held and it is determined that the obligee has or is entitled to income withholding under the local law of the jurisdiction which issued the support order, the court shall issue an order withholding income under Section 14.63 of this code. The attorney general shall notify the requesting agency or person of the date upon which withholding will begin.

“Section 14.67. **NOTICE TO EMPLOYER/PAYOR AND OTHER PROVISIONS.** The provisions of Section 14.43 of this code apply to income withholding based on a support order of another jurisdiction entered under this Act.

“Section 14.68. **DISTRIBUTION OF COLLECTED SUPPORT PAYMENTS.** (a) The order withholding income shall direct payment to be made to the attorney general, who shall promptly transmit the payments to the agency or person designated to receive them.

“(b) A support order entered pursuant to Section 14.63 of this code does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state. Amounts collected by any withholding of income shall be credited against the amounts accruing or accrued for any period under any support orders issued either by this state or by a sister state.

“Section 14.69. **CHANGES.** (a) **Changes in Original Order.** The attorney general, upon receiving a certified copy of any amendment or modification to a support order entered pursuant to Section 14.63 of this code, shall initiate necessary procedures to amend or modify the order withholding income of this state based on the entered support order. The court shall amend or modify the order withholding income to conform to the modified support order.

“(b) **Changes in Jurisdiction.** If the attorney general determines that the obligor has obtained employment in another state or has a new or additional source of income in another state, he shall notify the agency which requested the income withholding of the changes within five working days of receiving that information and shall forward to that agency all information it has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or other source of income. The attorney general shall include with the notice a certified copy of the order withholding income in effect in this state.

“Section 14.70. **VOLUNTARY INCOME WITHHOLDING.** Any person who is the obligor on a support order of another jurisdiction may obtain voluntary income withholding by filing with the court a request for such withholding and a certified copy of the support order of a sister state. The court shall issue an order withholding income under Section 14.43 of this code. Payment shall be made to the attorney general.

“Section 14.71. **CHOICE OF LAW.** (a) The local law of this state shall apply in all actions and proceedings concerning the issuance, enforcement, and duration of an order withholding income issued by a court of this state, which is based upon a support order of another jurisdiction entered pursuant to Section 14.63 of this code, except as provided in Subsections (b) and (c) of this section.

“(b) The local law of the jurisdiction which issued the support order shall govern the following:

“(1) the interpretation of the support order entered under Section 14.63 of this code, including amount, form of payment, and the duration of support;

“(2) the definition of support arrearages necessary to require the issuance of an order withholding income; and

“(3) the definition of what costs, in addition to the periodic support obligation, are included as arrearages which are enforceable by income withholding, including but not limited to interest, attorney's fees, court costs, and costs of paternity testing.

“(c) The court shall apply the statute of limitations for maintaining an action on arrearages of support payments of either the local law of this state or of the state which issued the support order entered under this subchapter, whichever is longer.”

**SECTION 12.** Section 21.66, Family Code, as amended, is amended to read as follows:

“Section 21.66. **EFFECT AND ENFORCEMENT OF SUPPORT ORDER.** The support order as confirmed shall have the same effect and may be enforced as if originally entered in the court of this state. The procedures for the enforcement thereof shall be as in civil cases, including the power to punish the defendant for contempt for failure to comply with [as in the case of other] orders for payment of [temporary] alimony, maintenance, or support entered in this state, to enter an order for income withholding as provided by Section 14.43 of this code, and all other remedies provided by Chapter 14 of this code.”

**SECTION 13.** Subsections (b) and (d), Section 5, Article 42.03, Code of Criminal Procedure, 1965, as amended, are amended to read as follows:

“(b) The court may impose as a condition to permitting a defendant to serve the jail time assessed during off-work hours or on weekends a requirement that he or she make any of the following payments to the court, agencies, or persons, or that the defendant execute a letter and direct it to his or her employer directing the employer to deduct from the defendant’s salary an amount directed by the court, which is to be sent by the employer to the clerk or the registry of the court. The money directed by the court under this section may be used to pay the following expenses as directed by the court:

“(1) the support of the prisoner’s dependents, if necessary;

“(2) the prisoner’s personal, business, and travel expenses;

“(3) reimbursement of the general fund of the county for the maintenance of the prisoner in jail; and

“(4) installment payments on restitution, fines, and court costs ordered by the court.

“The condition shall not be binding on the employer and his or her compliance shall be on a voluntary basis, except that income withheld for child support shall be governed by Chapter 14 of the Family Code.”

“(d) The court may impose as a condition to permitting a defendant to serve the jail time assessed during off-work hours or on weekends a requirement that the defendant execute a letter and direct it to his or her employer directing the employer to deduct from the defendant’s salary an amount directed by the court, which is to be sent by the employer to the clerk or the registry of the court and credited against any arrears of child support payments as provided by Chapter 14 of the Family Code. [The condition shall not be binding on the employer and his or her compliance shall be on a voluntary basis.]”

**SECTION 14.** Sections 14.09, 14.091, and 14.12, Family Code, as amended, are repealed.

**SECTION 15.** Title 3, Human Resources Code, is amended by adding Subtitle D to read as follows:

“**SUBTITLE D. CHILD SUPPORT COLLECTION, PARENT LOCATOR, AND PATERNITY DETERMINATION SERVICES**

“**CHAPTER 76. ATTORNEY GENERAL’S OFFICE**

“**Section 76.001. ADMINISTRATION OF STATEWIDE PLAN FOR CHILD SUPPORT.** The attorney general’s office is the state agency designated to administer a statewide plan for child support to provide child support collection, parent locator, and paternity determination services that will enable it and the Texas Department of Human Resources to participate in programs established by federal law.

“**Section 76.002. POWERS AND DUTIES OF ATTORNEY GENERAL’S OFFICE.** (a) The attorney general may:

“(1) accept, transfer, and expend funds, subject to the General Appropriations Act, made available by the federal or state government or by another public or private source for the purpose of carrying out this chapter;

“(2) adopt rules for the provision of child support services;

“(3) initiate legal actions needed to implement this chapter;

“(4) enter into contracts or agreements necessary to administer this chapter; and

“(5) request agencies of the state and its political subdivisions to search their records to help locate absent parents.

“(b) The attorney general may assist in the judicial determination of the paternity of an illegitimate child whose support rights have been assigned to the attorney general’s office.

“(c) The attorney general shall attempt to locate absent parents and is entitled to obtain records and information relating to the location, income, and property holdings of an absent parent from other state and local agencies.

“(d) The attorney general may enter into agreements or contracts with federal, state, or other public or private agencies or individuals for the purpose of carrying out this chapter. The agreements or contracts between the attorney general and other state agencies or political subdivisions of the state are not subject to the Interagency Cooperation Act (Article 4413(32), Vernon’s Texas Civil Statutes) or the Uniform Grant and Contract Management Act of 1981 (Article 4413(32g), Vernon’s Texas Civil Statutes).

“Section 76.003. **ASSIGNMENT OF RIGHT TO SUPPORT.** (a) The filing of an application for or the receipt of financial assistance under Chapter 31 of this code constitutes an assignment to the attorney general of any rights to support from any other person that the applicant or recipient may have in his own behalf or for a child for whom the applicant or recipient is claiming assistance, including the right to the amount accrued at the time the application is filed or the assistance is received. An applicant’s assignment under this section is valid only if the Texas Department of Human Resources approves the application. The attorney general may distribute support payments or parts of payments received by it to the family for whom the payments are made or may use the payments to provide assistance and services to and on behalf of needy dependent children.

“(b) Child support payments for the benefit of a recipient child or a child other than a recipient child for whose benefit the attorney general has provided service under this chapter may be made to the attorney general. If a court has ordered support payments to be made to an applicant for or recipient of financial assistance or to a person other than such applicant or recipient, the attorney general may file notice of the assignment with the court ordering the payments. The notice must include:

“(1) a statement that the child is an applicant for or recipient of financial assistance, or a child other than a recipient child for whom services are provided;

“(2) the name of the child and the caretaker for whom support has been ordered by the court;

“(3) the style and cause number of the case in which support was ordered; and

“(4) a request that the payments ordered be made to the attorney general’s office.

“(c) On receipt of the notice and without a requirement of a hearing, the court shall order that the payments be made to the attorney general’s office.

“(d) The attorney general’s office shall cooperate with the Texas Department of Human Resources in determining the distribution and use of child support payments received under this section.

“Section 76.004. **SERVICES FOR PERSONS NOT RECEIVING ASSISTANCE.** (a) The attorney general’s office on request may provide parent locator, child support collection, or paternity determination services available to a person other than an applicant for or a recipient of financial assistance under Chapter 31 of this code. The office may charge a reasonable application fee and recover costs for the services provided.

“(b) In its administration of the federal Parent Locator Service for the enforcement or determination of child custody in cases of parental kidnapping of a child, the attorney general shall provide parent locator services to a person who presents evidence to the attorney general’s office showing that the person is entitled to possession of a child under a court order, but is unable to locate the child because of the taking or retaining of possession of the child or concealment of the whereabouts of the child in violation of the court order. The attorney general may charge a reasonable application fee and recover costs for the services provided.

“Section 76.005. **DISPOSITION OF FUNDS.** (a) The attorney general shall deposit money received under assignments or as fees under this chapter in a special fund in the State Treasury. The attorney general may spend these funds for the administration of this chapter, subject to the General Appropriations Act.

“(b) All other funds received under this chapter shall be deposited in a special fund in the State Treasury.

“Section 76.006. **CONFIDENTIALITY OF RECORDS.** All files and records on recipients of benefits provided under this chapter and on an alleged father of an illegitimate child are confidential. Release of information from the files and records shall be restricted to purposes directly connected with the administration of the child support collection, paternity determination, parent locator, or aid to families with dependent children programs. The attorney general by rule may provide for the release of information to public officials.

“Section 76.007. **ATTORNEYS REPRESENTING STATE.** Attorneys employed by the attorney general may represent the state or other parties in a suit to establish a child support obligation, collect child support, or determine paternity brought under the authority of federal law or this chapter. The attorney general may contract with private attorneys or political subdivisions

of the state to represent parties in legal actions to establish child support obligations, to collect child support, or to determine paternity, brought under the authority of federal law and this chapter.

*"The attorney general shall provide copies of all contracts entered into under this section to the Legislative Budget Board and the Governor's Office of Budget and Planning, along with a written justification of the need for each contract, within 60 days after the execution of the contract.*

*"Section 76.008. PAYMENT OF PENALTIES. From funds appropriated for the attorney general's office or for the administration of the office of the attorney general, the attorney general shall reimburse the Texas Department of Human Resources for any penalty assessed under Title IV-A of the federal Social Security Act that is assessed because of the office's administration of this chapter.*

#### **"CHAPTER 77. PARENT LOCATOR SERVICE**

*"Section 77.001. DESIGNATED STATE AGENCY. (a) The state agency designated to administer a statewide plan for child support may establish and conduct a parent locator service which shall be used to obtain information as to the whereabouts, income, and holdings of any person when such information is to be used for the purposes of locating such person and establishing or enforcing a support collection against such person.*

*"(b) The designated state agency may request such information from state and local government agencies, private companies, institutions, or other entities as deemed necessary to carry out the provisions of this Act. Such government and private entities shall furnish any information so requested and known to such entity to the designated agency, except to the extent such information is made nondisclosable by law.*

*"(c) The furnishing of information provided for in Subsection (a) of this section by state governmental agencies shall include the transmittal of information in the most efficient and expeditious manner available, including electronic or automated transfer and interface."*

**SECTION 16.** This Act takes effect September 1, 1985.

**SECTION 17.** 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 the Senate on April 25, 1985, by a viva-voce vote; Senate concurred in House amendments on May 27, 1985, by a viva-voce vote; passed the House, with amendments, on May 25, 1985, by a non-record vote.

Approved: June 3, 1985

Effective: September 1, 1985