

CHAPTER 798

H.B. No. 1433

AN ACT

relating to the enforcement, collection, and withholding of income for child support.

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

SECTION 1. Section 11.01, Family Code, is amended by adding Subdivision (11) to read as follows:

*(11) "Local registry" means an agency or entity operated under the authority of a district clerk, county government, juvenile board, juvenile probation office, domestic relations office, or other county agency or entity that serves a county or a court that has jurisdiction under this title and that:*

- (1) receives child support payments;*
- (2) maintains records of child support payments;*
- (3) distributes child support payments as required by law; and*
- (4) maintains custody of official child support payment records.*

SECTION 2. Section 11.05(h), Family Code, is amended to read as follows:

*(h) During the transfer of a suit affecting the parent-child relationship from a court with continuing jurisdiction, the transferring court retains jurisdiction to enter temporary orders.*

The jurisdiction of the transferring court terminates on the docketing of the case in the transferee court. The transferring court's *local* [child support] registry shall continue to receive, record, and disburse child support payments to the payee until receipt of notice that the transferred case has been docketed by the transferee court. After receipt of notice of docketing, the transferring court's *local* registry shall send a certified copy of the child support payment record to the clerk of the transferee court and shall forward any payments received to the transferee court's *local* registry.

SECTION 3. Sections 11.06(j) and (m), Family Code, are amended to read as follows:

(j) The court transferring a proceeding shall send to the proper court in the county to which transfer is made the complete files in all matters affecting the child, certified copies of all entries in the minutes, a certified copy of any decree of dissolution of marriage issued in a suit joined with the suit affecting the parent-child relationship, and certified copies of each order issued. The transferring court shall keep a copy of the transferred files. If the transferring court retains jurisdiction of another child who was the subject of the suit, the court shall send a copy of the complete files to the court to which the transfer is made and shall keep the original files. If an order has been rendered or writ has been issued ordering payment of child support to the *local* registry of the transferring court, that court shall render an order that all future payments be made to the *local* registry of the transferee court. The clerk of the transferring court shall send a certified copy of the order directing payments to the transferee court to any party or employer affected by that order and to the *local* [child support] registry of the transferee court.

(m) On receipt of the files, documents, and orders from the transferring court, the clerk of the transferee court shall docket the suit and shall notify all parties, the clerk of the transferring court, and the transferring court's *local* registry that the suit has been docketed.

SECTION 4. Subchapter A, Chapter 14, Family Code, is amended by adding Sections 14.0501–14.0504 to read as follows:

*Sec. 14.0501. LOCAL REGISTRIES.* (a) *A local registry shall receive child support payments ordered by a court or otherwise authorized by law and shall forward the payments, as appropriate, to the attorney general, a local domestic relations office, or the obligee within two working days after the date the local registry receives the payments.*

(b) *A local registry may not require an obligor, obligee, or other party or entity to furnish a certified copy of a court order as a condition of processing child support payments and shall accept as sufficient authority to process the payments a photocopy, facsimile copy, or conformed copy of the court's order.*

(c) *A local registry shall include with each payment it forwards to the attorney general the date it received the payment and the withholding date furnished by the employer.*

(d) *A local registry shall accept child support payments made by personal check, money order, or cashier's check. A local registry may refuse payment by personal check when a pattern of abuse regarding the use of personal checks has been established. Abuse is defined to include checks drawn on insufficient funds, abusive or offensive language written on the check, intentional mutilation of the instrument, or other actions that delay or disrupt the registry's operation.*

*Sec. 14.0502. PAYMENT OR TRANSFER OF CHILD SUPPORT PAYMENTS BY ELECTRONIC FUNDS TRANSFER.* (a) *A child support payment may be made by electronic funds transfer to the attorney general or to a local registry if the registry agrees to accept electronic payment.*

(b) *A local registry may transmit child support payments to the attorney general by electronic funds transfer if the attorney general agrees to accept electronic payment.*

*Sec. 14.0503. DISPOSITION OF CHILD SUPPORT PAYMENTS.* (a) *Except as agreed by the parties, an order for the periodic payment of child support, including an order requiring payments on child support arrears, rendered, modified, or enforced on or after January 1, 1994, shall order that child support be paid through a local registry or through the attorney general.*

(b) In an action taken under Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.), the court shall order that income withheld for child support be paid:

(1) to the attorney general through a local registry, which shall forward the payment to the attorney general; or

(2) directly to the attorney general.

Sec. 14.0504. PRODUCTION OF CHILD SUPPORT PAYMENT RECORD. The attorney general or a local registry may comply with a subpoena or other order directing the production of a child support payment record by sending a certified copy of the record to the court that directed production of the record.

SECTION 5. Section 14.055, Family Code, is amended by amending Subsection (b) and adding Subsections (f)–(j) to read as follows:

(b) Schedule[; ~~\$4,000 or Less Monthly Net Resources~~]. In rendering an order of child support under circumstances in which the obligor's monthly net resources are [~~\$4,000 or~~] less than the amount specified in Subsection (a) of this section, the court shall presumptively apply the following schedule:

CHILD SUPPORT GUIDELINES  
BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1 child	20% of Obligor's Net Resources
2 children	25% of Obligor's Net Resources
3 children	30% of Obligor's Net Resources
4 children	35% of Obligor's Net Resources
5[+] children	40% of Obligor's Net Resources [ <del>Not less than the amount for 4 children</del> ]
6 + children	Not less than the amount for 5 children

(f) Children in More Than One Household. In applying the child support guidelines for an obligor who has children in more than one household, the court shall apply the percentage guidelines in this section by making the following computation:

(1) determine the amount of child support that would be ordered if all children, both before the court and not before the court, whom the obligor has the legal duty to support lived in one household by applying the schedule in Subsection (b) of this section;

(2) compute a child support credit for the obligor's children who are not before the court by dividing the amount determined under Subdivision (1) of this subsection by the total number of children whom the obligor is obligated to support and multiplying that number by the number of the obligor's children who are not before the court;

(3) determine the adjusted net resources of the obligor by subtracting the child support credit computed under Subdivision (2) of this subsection from the net resources of the obligor; and

(4) determine the child support amount for the children before the court by applying the percentage guidelines from Subsection (b) of this section for the number of children of the obligor before the court to the obligor's adjusted net resources.

(g) Child Support Credit. For the purpose of determining a child support credit under Subsection (f)(2) of this section, the total number of an obligor's children includes the children before the court for the establishment or modification of a support order and any other children, including children residing with the obligor, whom the obligor has the legal duty of support.

(h) Child Support Paid by Obligor. The child support credit under Subsection (f)(2) of this section with respect to children for whom the obligor is obligated by a court order to pay support is computed, regardless of whether the obligor is delinquent in child support payments, without regard to the amount of the order.

(i) Child Support Received by Obligor. Child support received by an obligor who is obligated to support children in more than one household shall be added to the net resources

of the obligor to compute the net resources of an obligor before determining the child support credit under Subsection (f)(2) of this section or applying the percentages in the table in Subsection (j) of this section.

(j) *Alternative Method of Computing Support for Children in More Than One Household.* In lieu of performing the computation under Subsection (f) of this section, the court may determine the child support amount for the children before the court by applying the percentages in the table below to the obligor's net resources.

*Multiple Family adjusted guidelines (% of net resources)*

*Number of children before the court*

	1	2	3	4	5	6	7	
<i>Number of other children for whom the obligor has a duty of support:</i>	0	20.00	25.00	30.00	35.00	40.00	40.00	40.00
	1	17.50	22.50	27.38	32.20	37.33	37.71	38.00
	2	16.00	20.63	25.20	30.33	35.43	36.00	36.44
	3	14.75	19.00	24.00	29.00	34.00	34.67	35.20
	4	13.60	18.33	23.14	28.00	32.89	33.60	34.18
	5	13.33	17.86	22.50	27.22	32.00	32.73	33.33
	6	13.14	17.50	22.00	26.60	31.27	32.00	32.62
	7	13.00	17.22	21.60	26.09	30.67	31.38	32.00

SECTION 6. Section 14.056, Family Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Additional Factors. In addition to the factors listed in these guidelines, a court may consider other relevant factors [~~The support obligation owed to a subsequently born or adopted child does not constitute cause to decrease the amount of an existing child support order~~]. The history of support voluntarily provided in excess of the court order does not constitute cause to increase the amount of an existing child support order.

(d) *Use of Guidelines for Children in More Than One Household.* In applying the child support guidelines under this section, if the obligor has the duty to support children in more than one household, the court shall apply the percentage guidelines in Section 14.055 of this code by making the computation provided by Section 14.055(f) of this code.

SECTION 7. Section 14.057, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Without regard to Rules 296 through 299, Texas Rules of Civil Procedure, in any suit affecting the parent-child relationship or reciprocal child support action in which child support is contested and the amount of the support [~~order~~] is set or modified by the court, on written request made or filed with the court not later than 10 days after the date of the hearing or an oral request made in open court during the hearing, the court shall state the following in the child support order:

- "(1) the amount of net resources available to the obligor per month is \$\_\_\_\_\_;
- "(2) the amount of net resources available to the obligee per month is \$\_\_\_\_\_;
- "(3) the amount of child support payments per month that is computed if Section 14.055, Family Code, is applied is \$\_\_\_\_\_;
- "(4) the percentage applied to the obligor's net resources for child support by the actual order rendered by the court is \_\_\_\_\_%; and, if applicable,
- "(5) the specific reasons that the amount of support per month ordered by the court varies from the amount computed by applying the percentage guidelines pursuant to Section 14.055, Family Code, are: \_\_\_\_\_."

(c) *In an order that child support be paid by an obligor who is obligated to support children as provided by Section 14.055(f) of this code, the court shall make the findings required by Subsection (b) of this section and shall specify under finding five of that subsection:*

(1) *the number of children before the court;*

(2) *the number of children not before the court:*

(A) *who reside in the same household with the obligor; and*

(B) *for whom the obligor is obligated by a court order to pay support, without regard to whether the obligor is delinquent in child support payments, and who are not counted in Paragraph (A) of this subdivision.*

SECTION 8. Section 14.062, Family Code, is amended to read as follows:

Sec. 14.062. **RETROACTIVE CHILD SUPPORT** [~~REIMBURSEMENT FOR PUBLIC ASSISTANCE~~]. (a) *In a suit affecting the parent-child relationship, a suit to establish paternity, or a suit under Chapter 21 of this code that is brought under Chapter 76, Human Resources Code, or Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.), if the court finds that no decree or order affecting the parent-child relationship to which the parents were parties has been previously rendered, the court may order a parent to make periodic payments, a lump-sum payment, or both, as retroactive child support provided that the court shall be guided by the evidentiary factors contained in Section 14.053(l) of this code* [~~The court may order either or both parents to make periodic payments or a lump-sum payment as child support, or both, as reimbursement for public assistance paid by the state for the support of a child under Chapter 31, Human Resources Code.~~].

(b) *Unless the state is a party to an agreement concerning support or purporting to settle past, present, or future support obligations by prepayment or otherwise, an agreement between the parties does not reduce or terminate any right of this state or any other state to recover retroactive support* [~~for public assistance provided.~~].

(c) *In a proceeding in which retroactive child support is sought under this section, the court shall use the child support guidelines provided by Section 14.053 of this code together with any relevant evidentiary factors.*

SECTION 9. Sections 14.30(a)(1) and (3), Family Code, are amended to read as follows:

(1) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, *compensation received as an independent contractor, overtime pay, severance pay, commission, bonus, or otherwise,* and includes periodic payments pursuant to a pension, *annuity, workers' compensation,* disability and retirement program, and unemployment benefits.

(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, *workers' compensation insurance carriers, partnerships, and corporations.*

SECTION 10. Section 14.311(c), Family Code, is amended to read as follows:

(c) **Payment Record.** The movant may attach to the motion a copy of a record of child support payments maintained by *the attorney general or a* [~~state or~~] local [~~child support~~] registry. If a payment record is attached, it constitutes a prima facie showing of the facts asserted in the payment record, subject to the right of the respondent to offer controverting evidence, and may be admitted as evidence of the truth of payments made and not made as shown by the payment record.

SECTION 11. Section 14.318, Family Code, is amended by amending Subsections (d) and (e) and by adding Subsection (f) to read as follows:

(d) **Cash Bond as Support.** If a cash bond has been posted and the respondent [~~appears at the hearing as directed and if the respondent~~] is found to be in *arrears in the payment of court-ordered* [~~contempt for failure to pay~~] child support [~~as ordered~~], the court shall order *that the proceeds of* [~~the respondent to execute an assignment of~~] *the cash bond be paid to the child support obligee or to a person designated by the court up to the amount of any child support arrearages determined to exist. This subsection applies without regard to whether the respondent appears at the hearing.*

(e) **Appearance Bond or Security Other Than Cash Bond as Support.** If the respondent fails to appear at the hearing as directed, *the court shall order that* [~~and~~] *the appearance bond or security be* [~~has been~~] *forfeited and that* [~~if the respondent has been found to be in contempt for failure to pay child support as ordered,~~] *the proceeds of any judgment on the*

bond or security [shall] be paid to the obligee or to a person designated by the court up to the amount of any child support arrearages determined to exist. The obligee may bring suit on the bond.

*(f) Cash Bond Treated as Property of Respondent. A court shall treat a cash bond posted for the benefit of the respondent under this section as the property of the respondent. The person who posts the cash bond does not have recourse in relation to any order that the court may make regarding the bond.*

SECTION 12. Section 14.32(b), Family Code, is amended to read as follows:

(b) ~~RECORD [COURT REPORTER]~~. An enforcement order under this subchapter may not be entered if a record of the proceedings is not made by a court reporter or as provided by Subchapter A, Chapter 54, Government Code, unless:

(1) the parties agree on entry of the order; or

(2) *when the motion does not seek [if the order seeks] incarceration, the parties waive the requirement of a record at the time of hearing, either in writing or in open court and with the approval of the court.*

SECTION 13. Section 14.33(a), Family Code, is amended to read as follows:

(a) Contents. An enforcement order shall contain findings setting out in ordinary and concise language the provisions of the final order, decree, or judgment for which enforcement was sought, the acts or omissions that are the subject of the order, the manner of noncompliance, and the relief awarded by the court. If the order imposes incarceration or a fine, an enforcement order must contain findings setting out specifically and with particularity or incorporating by reference the provisions of the final order, decree, or judgment for which enforcement was sought and the [time,] date[, and place] of each occasion on which the respondent failed to comply with the provision and setting out the relief awarded by the court.

SECTION 14. Section 14.41, Family Code, is amended to read as follows:

Sec. 14.41. JUDGMENT FOR ~~DELINQUENT [PAST-DUE]~~ CHILD SUPPORT PAYMENTS. (a) Judgment for Arrearages. A periodic child support payment not timely made shall constitute a final judgment for the amount due and owing, including interest as provided by Section 14.34 of this code. On the motion of an obligee or obligor, after notice and hearing, the court shall confirm the amount of child support in arrears and shall render *one cumulative* judgment against an obligor for *all [any amount of]* child support unpaid and owing, including interest as provided by Section 14.34 of this code, *and any balance owed on previously confirmed arrearages, lump sum, or retroactive support judgments.* The judgment rendered by the court may be subject to a counterclaim or offset as provided by Subsection (c) of this section. The judgment may be enforced by any means available for the enforcement of judgments for debts ~~and [or]~~ by an order of the court requiring that income be withheld from the disposable earnings of the obligor in a reasonable ~~[an]~~ amount ~~[sufficient]~~ to satisfy the judgment. A court order enforcing the judgment through the withholding of disposable earnings of the obligor must comply with the requirements of Section 14.43 of this code. *The court shall order that a reasonable amount of income be withheld from the disposable earnings of the obligor to be applied toward the liquidation of any child support arrearages, notwithstanding that a judgment for arrears has been entered against the obligor.*

(b) Time Limitations. ~~[The court may not confirm the amount of child support in arrears and 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 of continuing jurisdiction retains jurisdiction to *confirm the total amount of child support in arrears and enter judgment for past-due child support obligations if a motion to render judgment for the arrearages is filed within four 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.

(e) **Cumulative Judgment.** *A cumulative judgment confirming the amount of a child support arrearage under this section shall include the unpaid balance owed on previously determined arrearages or judgments for child support, including interest on the arrearage and judgment as of a specified date, and shall state that it is a cumulative judgment.*

SECTION 15. Sections 14.43(a), (c), (d), (e), (h), and (q), Family Code, are amended to read as follows:

(a) **Duty of Court to Order Income Withholding.** Except for good cause shown, or 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 in arrears for an amount equal to or greater than that due for a one-month period;

(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; or

(4) after a hearing unsuccessfully contesting a notice of delinquency as provided by Section 14.44 of this code in a case involving the delinquency of either a child support order entered before the effective date of this subchapter or after the effective date of this subchapter that did not originally order income withheld. Payment of overdue support after receipt of notice of a hearing as provided by this section shall not be the sole basis for the court to refuse to order withholding from income. *In an order for income withholding entered under this subdivision, the court shall order that a reasonable amount of income be withheld from the disposable earnings of the obligor to be applied toward the liquidation of any child support arrearages, notwithstanding that judgment for arrears has been rendered against the obligor.*

(c) **Payment.** The court shall order that income withheld for child support be paid through and promptly distributed by a local [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 Subsection (a) of Section 14.05 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, including interest as provided by Section 14.34 of this code. The additional amount to be withheld to be applied towards arrears shall be sufficient to fully discharge those arrears in not more than two years or add 20 percent to the amount of the current monthly support order, whichever will result in the arrears being fully discharged in the least amount of time consistent with the limitations on the maximum amount that may be withheld from earnings as provided by Subsection (f) of this section. If current support is no longer owed, 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, including accrued interest, in an amount sufficient to fully discharge those arrears in not more than two years, consistent with the limitations on the maximum amount that may be withheld from earnings as provided by Subsection (f) of this section. If the court finds that such a repayment schedule would cause the obligor, the obligor's family, or children for whom support is due from the obligor to suffer unreasonable hardship, the court may extend the repayment period for a reasonable length of time.

(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, including accrued interest, 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 a *local registry* or 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~~.

(h) Notice and Effective Date of Order. The employer shall begin to withhold income in accordance with an order issued under this section or a writ issued under Section 14.45 of this code no later than the first pay period ~~[which occurs 14 days]~~ following the date on which the order or writ was delivered to the employer and shall continue to withhold income as long as the obligor is employed by the employer. *An order issued under this section or a writ issued under Section 14.45 of this code that is delivered to an employer that does business in this state is binding on the employer without regard to whether the obligor resides or works outside the state.* Delivery of the order or writ to the employer shall be by certified or registered mail, return receipt requested, to the person authorized to receive service of process in civil cases generally, or to a person designated by the employer to receive notices of delinquency by written notice to the clerk of the appropriate court, or by the service of citation as provided by the Texas Rules of Civil Procedure. After the effective date, the amount to be withheld shall be remitted to the person or office named in the order on each ~~[regular due date or]~~ pay date. *The payment shall include the date on which the withholding occurred.*

(q) Reduction or Termination of Withholding. 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 attorney general shall establish procedures for the reduction in or termination of withholding from income on the liquidation of an arrearage or the termination of the obligation of support. The procedures must provide that the payment of overdue support may not be used as the sole basis for terminating withholding. *If a court has rendered an order which reduces the amount of child support to be withheld under this section or terminates withholding for child support, any person or governmental entity may deliver to the employer a certified copy of the order without the requirement that the clerk of the court deliver the order. The provisions of Subsection (l) of this section apply to an order which reduces or terminates withholding.*

SECTION 16. Section 14.44(d), Family Code, is amended to read as follows:

(d) Hearing on Contested Delinquency. *On filing of a motion to stay issuance, the clerk of court shall notify the attorney who filed the notice of delinquency and the court that the motion has been filed. A* ~~[When a motion to stay issuance and delivery has been filed, a]~~ hearing on the motion must be held within 30 days of its filing. The obligor, ~~[and]~~ obligee, or their authorized representatives, *and the attorney who filed the notice of delinquency* must be notified by the clerk of court of the date, time, and place of the hearing. The court must decide the contested delinquency and either enter an order for income withholding pursuant to Section 14.43 of this code or deny the requested relief within 45 days of the date that the



notice of delinquency was received by the obligor. If movant is pleading repeated violations of the court order, it is permissible to plead anticipated future violations of a similar nature that may arise between the filing of the motion or the notice of delinquency and the date of the hearing or the issuance of a writ of withholding from earnings for child support. Any defect in pleadings will be considered waived unless respondent specially excepts in writing and cites with particularity the alleged defect, obscurity, or other ambiguity in the motion for enforcement. Any such defensive pleading must be heard by the court before hearing the motion to stay issuance. If any exceptions are sustained by the court, the movant shall be given an opportunity to replead and shall continue the hearing to a date certain without the requirement of additional service.

SECTION 17. Sections 14.45(a) and (b), Family Code, are amended to read as follows:

(a) Issuance and Delivery. No sooner than 20 days following the mailing of a notice of delinquency to the obligor by first class mail or 11 days after receipt of a notice of delinquency by the obligor by hand delivery or certified mail, if no motion to stay issuance of the writ has been filed, the attorney who filed the notice of delinquency shall file a request with the clerk of court to issue a writ of income withholding. The writ shall be issued by the clerk and delivered by certified mail, return receipt requested, to the employer of the obligor to the person authorized to receive service of process in civil cases generally, or to a person designated by the employer to receive writs of withholding by written notice to the clerk of the appropriate court, or by the service of citation as provided by the Texas Rules of Civil Procedure. *The amount to be withheld shall be paid to the person or office named in the writ on each pay date and shall include with the payment the date on which the withholding occurred.* The writ shall be issued and mailed by the clerk not later than the second working day after the request is filed.

(b) Contents. Except as provided in Subsection (c) of this section, the writ of income withholding shall direct the employer or a subsequent employer to withhold from the obligor's disposable income for current child support and child support arrearage in a manner identical to the terms provided by Section 14.43 of this code, as far as is practical.

SECTION 18. Section 14.68(a), Family Code, is amended to read as follows:

(a) The order withholding income shall direct payment to be made to the attorney general, *either directly or through a local registry.* *The attorney general [who] shall promptly transmit the payments to the agency or person designated to receive them.*

SECTION 19. Subchapter D, Chapter 14, Family Code, is amended by adding Section 14.87 to read as follows:

*Sec. 14.87. TITLE IV-D REGISTRY. The attorney general shall establish a registry for Title IV-D cases brought in this state that shall:*

- (1) receive child support payments;*
- (2) maintain a record of child support paid and any arrearages owed under each order;*
- (3) distribute child support payments received as required by law; and*
- (4) maintain custody of official child support payment records.*

SECTION 20. Section 14.91(b), Family Code, is amended to read as follows:

(b) A court may ~~not~~ appoint a friend of the court in a proceeding under Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.) *only if the attorney general agrees in writing to the appointment.*

SECTION 21. Section 14.93, Family Code, is amended to read as follows:

Sec. 14.93. DUTY OF LOCAL OFFICES AND OFFICIALS TO REPORT. A local domestic relations office, a local registry ~~[child support collection office]~~, or a court official designated to receive child support under a court order shall, *if ordered by the court*, report to the court or a friend of the court on a monthly basis:

- (1) any delinquency and arrearage in child support payments; and
- (2) any violation of a court order relating to possession of or access to a child.

SECTION 22. Section 14.971(b), Family Code, is amended to read as follows:

(b) The lien exists in favor of:

- (1) the obligee or a private attorney representing the obligee;
- (2) the attorney general in providing child support services pursuant to Chapter 76, Human Resources Code, and Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.);
- (3) a domestic relations office *or local*, ~~including a court~~ registry, ~~that has the duty to enforce or collect and distribute child support payments~~; and
- (4) an attorney appointed a friend of the court under Section 14.91 of this code.

SECTION 23. Section 54.06, Family Code, is amended by adding Subsection (c) to read as follows:

*(c) A court may enforce an order for support under this section by ordering garnishment of the wages of the person ordered to pay support.*

SECTION 24. Section 2.32, Texas Workers' Compensation Act (Article 8308-2.32, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.32. EXCEPTIONS. (a) The commission may release information on a claim to a governmental agency, political subdivision, or regulatory body for the following purposes:

- (1) investigating an allegation of criminal offense or licensing or regulatory violation;
- (2) providing unemployment benefits, crime victims compensation benefits, vocational rehabilitation services, or health care benefits;
- (3) investigating occupational safety or health violations; ~~or~~
- (4) verifying income on an application for benefits under an income-based state or federal assistance program; *or*
- (5) *assessing financial resources in an action, including an administrative action, to:*
  - (A) *establish, modify, or enforce a child support or medical support obligation;*
  - (B) *establish paternity;*
  - (C) *locate an absent parent; or*
  - (D) *cooperate with another state in an action authorized under Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.) and its subsequent amendments or Chapter 76, Human Resources Code, and its subsequent amendments.*

(b) The commission shall release information on a claim to:

- (1) the State Board of Insurance for any statutory or regulatory purpose;
- (2) legislative committees for legislative purposes;
- (3) a state or federal elected official requested in writing to provide assistance by a constituent who qualifies to obtain injury information under Section 2.31(d) of this Act, if the request for assistance is provided to the commission; ~~and~~
- (4) the research center for research purposes; *or*
- (5) *the attorney general or another entity that provides child support services under Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.) and its subsequent amendments or Chapter 76, Human Resources Code, and its subsequent amendments, relating to:*

*(A) establishing, modifying, or enforcing a child support or medical support obligation; or*

*(B) locating an absent parent.*

SECTION 25. Section 76.009(a), Human Resources Code, as amended by S.B. 857, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) In, or in connection with, a Title IV-D case brought by the attorney general or a private attorney or political subdivision that has entered into a contract under Section 76.007(b), the attorney general shall pay the following fees in a suit affecting the parent-child relationship under Title 2, Family Code, including a suit to establish paternity, a motion to enforce or modify a decree, or a notice of child support delinquency, or in a suit under Chapter 21, Family Code:

(1) filing fees and fees for issuance *and* [of] service of process as provided by Sections 51.317, [~~51.317(b) and~~] 51.318(b)(2), *and* 51.319(4), Government Code, *and* Section 14.13, Family Code;

(2) fees for transfer as provided by Section 11.06(l) *or* Section 14.13, Family Code;

(3) fees for the issuance *and* delivery of orders and writs of income withholding in the amounts [~~amount as~~] provided by Sections [~~Section~~] 14.43(i) *and* 14.45(h), Family Code; [~~and~~]

(4) a fee of \$45 [~~\$35~~] for each *item of process to each* individual on whom service is required, *including service by certified or registered mail* [~~without regard to the amount of items of process to be served on that individual~~], to be paid to a sheriff, constable, or clerk whenever service of process is required; *and*

(5) mileage costs incurred by a sheriff or constable when traveling out of the county to execute an outstanding warrant or *capias*, to be reimbursed at a rate not to exceed the rate provided for mileage incurred by state employees in the General Appropriations Act.

SECTION 26. Section 14.96, Family Code, is repealed.

SECTION 27. (a) This Act takes effect September 1, 1993, except that the change in law made by Section 14.0503(a), Family Code, as added by this Act, takes effect January 1, 1994.

(b) The change in law made by Section 20 of this Act relating to the appointment of a friend of the court in a proceeding under Part D of Title IV of the federal Social Security Act applies to a pending proceeding without regard to whether the proceeding was commenced before, on, or after the effective date of this Act.

(c) The change in law made by amending Sections 14.055(b), 14.056(b), and 14.057(a), Family Code, as amended by this Act, and by adding new Sections 14.055(f)–(j), and 14.056(d), Family Code, as added by this Act, apply only to a child support order rendered or modified on or after the effective date of this Act.

(d) The enactment of this Act is sufficient by itself to constitute a material and substantial change in the circumstances of a child for whose benefit a child support order has been entered to warrant modification of the order under Section 14.08, Family Code.

SECTION 28. 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 May 4, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1433 on May 28, 1993, by a non-record vote; passed by the Senate, with amendments, on May 25, 1993, by a viva-voce vote.

Approved June 18, 1993.

Effective Sept. 1, 1993, except Family Code § 14.0503(a), effective Jan. 1, 1994, as provided in Section 27(a).