

CHAPTER 150

H.B. No. 758

AN ACT

relating to the accrual of interest on delinquent child support.

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

SECTION 1. Section 14.34, Family Code, is amended to read as follows:

Sec. 14.34. ACCRUAL OF ~~[PREJUDGMENT]~~ INTEREST ON *DELINQUENT CHILD SUPPORT*. (a) Interest accrues on *delinquent* ~~[an unpaid]~~ child support ~~[obligation prior to judgment]~~ at the rate of 12 ~~[10]~~ percent *simple interest per [a] year from the date the support is delinquent until the date the support is paid, regardless of whether the amount of child support in arrears has been reduced to judgment by the court as provided by Section 14.41 of this code. A court that confirms the amount of child support in arrears under Section 14.41 of this code shall include all prior arrears and the amount of interest owed in the total amount confirmed* ~~[computed monthly. If a child support payment is made before the 31st day after the day that the payment is due, interest does not accrue on the amount of child support that is paid and that is 30 days or fewer overdue].~~

(b) *A child support payment is delinquent if the payment is not received by the obligee, registry, or entity specified in the child support order before the 31st day after the payment date stated in the order. If a payment date is not stated in the child support order, a child support payment is delinquent if payment is not received by the obligee, registry, or entity specified in the child support order on the date that an amount equal to the support payable for one month becomes past due.*

(c) *Interest ~~[(b) Prejudgment interest]~~ that accrues as provided by this section is part of the child support obligation and may be collected by any means provided for the collection of child support. An amount collected in excess of current support shall be applied, first, to interest and delinquent child support that has not been reduced to judgment under Section 14.41 of this code and, second, to interest and delinquent child support that has been reduced to judgment under Section 14.41 of this code.*

SECTION 2. Article 1.05, Title 79, Revised Statutes (Article 5069-1.05, Vernon's Texas Civil Statutes), is amended by adding Section 8 to read as follows:

Sec. 8. This article does not apply to interest that accrues on delinquent child support under Section 14.34, Family Code.

SECTION 3. (a) This Act takes effect September 1, 1993.

(b) This Act applies to child support payments due on or after September 1, 1991, and any accrued arrears which were owing on or after September 1, 1991, in:

- (1) an action commenced on or after the effective date of this Act; or
- (2) a new trial or retrial following appeal of the trial court's judgment in an action commenced before the effective date of this Act.

(c) Judgments rendered prior to the effective date of this Act in accordance with Section 14.41, Family Code, shall bear interest at the rate specified in the applicable law in effect prior to the effective date of this Act, and that law is continued in effect only for this purpose.

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

Passed by the House on April 7, 1993, by a non-record vote; passed by the Senate on May 6, 1993: Yeas 31, Nays 0.

Approved May 15, 1993.

Effective Sept. 1, 1993.