

## CHAPTER 554

## S.B. No. 660

## AN ACT

relating to the creation of a child support department in Harris County.

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

SECTION 1. DEPARTMENT; ADVISORY BOARD. (a) The Harris County Commissioners Court may create a child support department to receive, disburse, and record payments of restitution and child and spousal support made to the department under a court order.

(b) The commissioners court may appoint an advisory board to advise the court on matters relating to the policies and procedures of the child support department. The advisory board consists of seven judges of district courts in Harris County whose courts specialize in family or juvenile cases.

SECTION 2. DIRECTOR AND PERSONNEL. (a) The commissioners court shall appoint the director of the child support department. The director serves at the pleasure of the commissioners court. The director may hire additional employees subject to the approval of the commissioners court.

(b) The director or the director's agent receives the payments made under this Act. The director or the director's agent shall disburse the funds in the manner the district court determines to be in the best interests of the parties involved in the case and in accordance with departmental policies as approved by the commissioners court.

(c) The director must execute a bond with a solvent surety company authorized to execute bonds of this type in the state. The bond shall be payable to the county judge and conditioned on the director's faithful performance of his duties and on the director properly accounting for any funds entrusted to him. The commissioners court shall set the amount of the bond and shall pay the premium for the bond out of the general funds of the county.

(d) The director shall keep an accurate and complete record of all receipts and disbursements of funds under this Act.

SECTION 3. AUDIT. The county auditor shall inspect the director's record, audit the accounts annually, and make a report of the auditor's findings and recommendations to the commissioners court.

SECTION 4. CHILD SUPPORT FEE. (a) To support the costs of providing services, the commissioners court may provide by order for the collection by the district clerk of a fee set by the commissioners court at an amount that does not exceed \$36 for each case in which child or spousal support payments are initially ordered to be paid to the department. The fee shall be taxed, collected, and paid as other costs. Unless the court that ordered the payment of support provides otherwise, the payor of support shall pay the fee.

(b) Each year the commissioners court may set aside an amount equal to not more than four percent of the amount collected under Subsection (a) of this section during the previous year to provide self-insurance for errors and omissions.

SECTION 5. CONTRACT FOR SERVICES. (a) The commissioners court may contract with a private entity to provide any part of the services this Act authorizes the department to provide or, in lieu of establishing the child support department, may

contract with a private entity to provide all of the services this Act authorizes the department to provide.

(b) If the commissioners court contracts with a private entity to collect or disburse support payments or the fee prescribed by Section 4 of this Act, the commissioners court shall require the entity to keep accurate and complete records of all receipts and disbursements. The entity shall permit the county auditor to inspect the entity's records and audit the accounts annually. The commissioners court shall also require the entity to execute a surety bond. The bond must be similar to the bond required by Subsection (c) of Section 2 of this Act, but the commissioners court may not pay the premium for the bond.

**SECTION 6. REPEAL.** Section 10, Chapter 288, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5139VV, Vernon's Texas Civil Statutes), is repealed.

**SECTION 7. EFFECTIVE DATE AND TRANSITION.** (a) This Act takes effect September 1, 1987, except Section 6 of this Act, which takes effect October 1, 1987. The commissioners court may not begin the operation of the child support department created under this Act or provide for an effective date of any contract for services under this Act before October 1, 1987. A fee adopted under this Act may not be collected earlier than October 1, 1987, and except as provided by Subsection (b) of this section, applies only to a court order or a modification of a court order entered on or after the effective date of the fee.

(b) Any court in Harris County that before October 1, 1987, ordered a person to pay restitution or support and an annual fee to the Harris County chief juvenile probation officer under Subsection (e), Section 10, Chapter 288, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139VV, Vernon's Texas Civil Statutes), may without prior notice to the parties of the suit in which the order was made and without a hearing modify the support order to require the support payment and the fee to be made to the department established under this Act or to the appropriate private entity. In the absence of a modified order, the Harris County chief juvenile probation officer shall assign all restitution and support payments and annual fees he receives to the department established under this Act or to the appropriate private entity. An order modified under this section is enforceable in the same manner as an order originally made or modified as provided by the Family Code. A modification of an order under this section takes effect when the person obligated to make the payment receives written notice of the modification. The notice may be given by any manner authorized by the Texas Rules of Civil Procedure for service of notice on the commencement of a suit or by any other effective manner prescribed by the court making the modification. Any person who after October 1, 1987, receives a payment that is required to be made to the chief juvenile probation officer shall forward the payment to the department or entity that succeeds to the duties of the officer under this Act.

(c) Except as provided by Subsection (b) of this section, this Act does not affect the authority under a court order entered before October 1, 1987, to collect the annual fee assessed as provided by Subsection (e), Section 10, Chapter 288, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139VV, Vernon's Texas Civil Statutes), or affect the amount of that fee, and Subsection (e), Section 10, is continued in effect for the collection and enforcement of that fee.

(d) On the date on which the child support department created under this Act begins operation or on which a contract for services under this Act takes effect, the department or appropriate private entity assumes all outstanding liabilities previously incurred by the Harris County chief juvenile probation officer or his office in collecting restitution or support payments or the annual fee under Section 10, Chapter 288, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139VV, Vernon's Texas Civil Statutes).

(e) The commissioners court of Harris County may adopt orders for the transfer of the administration of restitution payments and child and spousal support payments.

**SECTION 8. EMERGENCY.** 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 30, 1987, by a viva-voce vote; and that the Senate concurred in House amendment on May 25, 1987, by a viva-voce vote. Passed the House, with amendment, on May 22, 1987, by a non-record vote.

Approved June 18, 1987.

Effective Sept. 1, 1987, except § 6 effective Oct. 1, 1987.