

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	SB85
Version:	ENGR
Request Number:	
Author:	Rep. Kannady
Date:	4/5/2023
Impact:	No impact

Research Analysis

SB 85 provides that in all cases in which child support services are being provided under the state child support plan, the Department of Human Services (DHS) must ensure that the amount of child support and other support is ordered and reviewed in accordance with child support guidelines. Additionally, whenever the Department determines that a child support order may not be within the guidelines, the Department may issue a notice to modify the order. Notice will be served on the obligor and the custodial person informing them of the following:

- Style and case number of the child support order being enforced;
- The date of notice issuance, initials and birthdates of the child or children subject to the order;
- The amount of existing obligations, and that the order may not be in compliance and should be modified according to records;
- The proposed modified amount of child support, medical support order, child care expenses, and the amount of past due support owed and a monthly judgment payment if requested by the Department;
- That the proposed obligations will become the court-ordered amount unless either party requests a hearing;
- That the modification of the order will be effective the first day of the month following the date the notice was issued;
- That an immediate income assignment will be ordered;
- That all payments for child support must be made to the Centralized Support Registry and any other payments made may not be credited to the amount owed;
- The address on file for the obligor and custodial person, unless the Department has determined to keep this information confidential due to reasonable evidence of domestic violence or child abuse;
- That either party may request an administrative hearing within 20 days of the date the notice is served; and
- That the notice will become the order of modification and will be filed with clerk of the district court, having the same legal effect as an order of the court.

The notice will be served by DHS as provided for in Title 12, or if there is an address of record on file with the Central Case Registry, the notice may be served by regular mail at the address of record. Upon receipt of a timely request for hearing, DHS must set the matter for a hearing and the obligor and custodial person will be given notice, which must state that failure to appear at the scheduled hearing will result in the notice becoming the court order. If a timely hearing is not requested, DHS will submit an order confirming and incorporating the notice by reference to the administrative court, which will then review and then sign or return to DHS with explanation. An administrative order must be filed in the district court and a final administrative order may be appealed. DHS will promulgate rules as necessary.

Prepared By: Suzie Nahach

Fiscal Analysis

From the Department of Human Services: SB 85 will not have fiscal impact.

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Other Considerations

None.