

Affirmed and Memorandum Opinion filed March 25, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00560-CV

JOSEPH ELLIS, Appellant

V.

TAMIKO EADIE, Appellee

**On Appeal from the 310th District Court
Harris County, Texas
Trial Court Cause No. 2007-72234**

MEMORANDUM OPINION

Joseph Ellis appeals an Agreed Child Support Review Order signed May 27, 2009. In a single issue, he contends he can no longer afford to pay child support and seeks a reduction. We affirm.

On May 6, 2009, Ellis and appellee Tamiko Eadie appeared at a negotiation conference administered by the Office of the Attorney General. Ellis and Eadie agreed that Ellis would pay \$900.00 per month in child support beginning on June 1, 2009, for their three children until the obligation for one child terminated. At that time, Ellis agreed to pay \$783.00 per month for two children until another obligation terminated, then

\$627.00 for one child until the obligation for the youngest child terminated. Ellis did not request a hearing on the agreed order, nor did he file a motion for new trial. The agreed order recites, “Parties have agreed to deviate from the guideline amount of \$940 per month and set support at \$900 per month.” Appellant and appellee initialed this sentence on the judgment.

Further, the agreed order contains a recitation that, “For all parties agreeing to this order, a WAIVER OF SERVICE, HEARING, AND OTHER RIGHTS and APPROVAL OF CHILD SUPPORT REVIEW ORDER is attached to this order and incorporated for all purposes.” The waiver of service, hearing, and other rights contained the following language required by section 233.018 of the Texas Family Code:

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS CHILD SUPPORT REVIEW ORDER. I UNDERSTAND THAT IF I SIGN THIS ORDER, IT WILL BE CONFIRMED BY THE COURT WITHOUT FURTHER NOTICE TO ME. I KNOW THAT I HAVE A RIGHT TO REQUEST THAT A COURT RECONSIDER THE ORDER BY FILING A MOTION FOR NEW TRIAL AT ANY TIME BEFORE THE 30TH DAY AFTER THE DATE OF THE CONFIRMATION OF THE ORDER BY THE COURT. I KNOW THAT IF I DO NOT OBEY THE TERMS OF THIS ORDER I MAY BE HELD IN CONTEMPT OF COURT.

See Tex. Fam. Code Ann. § 233.018(a)(3) (Vernon 2008).

The purpose of chapter 233 of the Texas Family Code is to enable Title IV-D agencies like the Attorney General’s Office to take expedited administrative actions to establish, modify, and enforce child support and medical support obligations, to determine parentage, or to take any other action authorized or required under Part D, Title IV, of the Social Security Act (42 U.S.C. § 651, et. seq.). Tex. Fam. Code Ann. § 233.001(a) (Vernon 2008). To fulfill that purpose, the provisions of chapter 233 promote expeditious resolution of the administrative proceedings. *See In re Office of Attorney General of Texas*, 264 S.W.3d 800, 806 (Tex. App.—Houston [1st Dist.] 2008, orig. proceeding).

In this case, the Family Code requires a party requesting reconsideration of an agreed order to file a motion for new trial before the 30th day of the confirmation of the order by the trial court. In this case, appellant filed no motion for new trial. Therefore, appellant waived his complaint about the child support to which he agreed. *See* Tex. R. App. P. 33.1; Tex. Fam. Code Ann. § 233.018(a)(3) (Vernon 2008). Because he waived error, appellant's issue is overruled.

The judgment of the trial court is affirmed.

PER CURIAM

Panel consists of Justices Yates, Seymore, and Brown.