

By: Hughes

S.B. No. 590

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a court order for retroactive child support, including
3 for retroactive child support beginning on the date of the child's
4 conception.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 154.131, Family Code, is amended by
7 adding Subsections (g), (h), and (i) to read as follows:

8 (g) Subject to Subsections (c) and (d), it is presumed to be
9 reasonable and in the best interest of the child for a court to
10 order retroactive child support for the child beginning on the
11 earliest possible date of the child's conception, as determined by:

12 (1) a physician using standard medical practice, as
13 defined by Section 171.201, Health and Safety Code; or

14 (2) a preponderance of other evidence presented to the
15 court, including the testimony of a parent of the child.

16 (h) On a proper showing, the court may order the obligor to
17 pay, as additional retroactive child support, an equitable portion
18 of all prenatal and postnatal health care expenses of the mother and
19 the child.

20 (i) The court shall confirm the amount of retroactive child
21 support and render a cumulative money judgment for the total amount
22 of retroactive child support owed.

23 SECTION 2. Section 160.636(g), Family Code, is amended to
24 read as follows:

1 (g) If a court renders an order under this chapter
2 establishing a man's paternity of the child or establishing a child
3 support obligation of a man whose paternity has been established by
4 the execution of a valid acknowledgment of paternity in regard to
5 the child under Subchapter D [On a finding of parentage], the court
6 shall, on the request of a party and on a proper showing, [may]
7 order retroactive child support as provided by Section 154.131
8 ~~[Chapter 154 and, on a proper showing, order a party to pay an~~
9 ~~equitable portion of all of the prenatal and postnatal health care~~
10 ~~expenses of the mother and the child].~~

11 SECTION 3. Section 160.636(h), Family Code, is repealed.

12 SECTION 4. The changes in law made by this Act with respect
13 to an order adjudicating paternity apply only to an order rendered
14 on or after the effective date of this Act. An order adjudicating
15 paternity rendered before the effective date of this Act is
16 governed by the law in effect on the date the order is rendered, and
17 the former law is continued in effect for that purpose.

18 SECTION 5. The changes in law made by this Act with respect
19 to an acknowledgment of paternity apply only to an acknowledgment
20 of paternity executed on or after the effective date of this Act.
21 An acknowledgment of paternity executed before the effective date
22 of this Act is governed by the law in effect on the date the
23 acknowledgment is executed, and the former law is continued in
24 effect for that purpose.

25 SECTION 6. This Act takes effect September 1, 2023.