

By: Hughes

S.B. No. 590

A BILL TO BE ENTITLED

AN ACT

relating to requiring a man determined by adjudication or acknowledgment to be a child's father to pay retroactive child support beginning on the date of the child's conception.

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

SECTION 1. Subchapter A, Chapter 154, Family Code, is amended by adding Section 154.0091 to read as follows:

Sec. 154.0091. RETROACTIVE CHILD SUPPORT ON ADJUDICATION OR ACKNOWLEDGMENT OF PATERNITY. (a) Notwithstanding any other provision of this chapter or other law, in any order rendered under Chapter 160 establishing a man's paternity of a child, or in any suit to establish the child support obligation of a man whose paternity has been established by the execution of a valid acknowledgment of paternity in regard to the child under Subchapter D, Chapter 160, the court shall order the man to:

(1) pay retroactive child support beginning on the earliest possible date of the child's conception, as determined by standard medical practice, as defined by Section 171.201, Health and Safety Code; and

(2) reimburse the child's mother for 50 percent of:

(A) the reasonable and necessary medical expenses incurred by the mother and the child during gestation and delivery and incurred by the mother during postpartum recovery that are not reimbursed by medical insurance;

1 (B) the cost of materials purchased by the mother
2 in preparing for the child's birth that are necessary for the
3 child's health and safety, including:

- 4 (i) diapers;
- 5 (ii) a car seat;
- 6 (iii) a crib;
- 7 (iv) clothing; and
- 8 (v) infant formula; and

9 (C) lost wages as a result of time spent
10 receiving medical attention during gestation, delivery, and
11 postpartum recovery.

12 (b) In ordering retroactive child support under this
13 section, the court shall apply the child support guidelines
14 provided by this chapter.

15 (c) Notwithstanding Section 157.261 or any other law,
16 interest does not begin to accrue on a retroactive child support
17 payment due under this section until the first anniversary of the
18 date the judge renders the order establishing the man's paternity
19 or the man executes a valid acknowledgment of paternity with
20 respect to the child, as applicable.

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

23 (g) On a finding of parentage, the court shall ~~may~~ order
24 retroactive child support as provided by Section 154.0091 ~~[Chapter~~
25 ~~154 and, on a proper showing, order a party to pay an equitable~~
26 ~~portion of all of the prenatal and postnatal health care expenses of~~
27 ~~the mother and the child].~~

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

2 SECTION 4. The changes in law made by this Act with respect
3 to an order adjudicating paternity apply only to an order rendered
4 on or after the effective date of this Act. An order adjudicating
5 paternity rendered before the effective date of this Act is
6 governed by the law in effect on the date the order is rendered, and
7 the former law is continued in effect for that purpose.

8 SECTION 5. The changes in law made by this Act with respect
9 to an acknowledgment of paternity apply only to an acknowledgment
10 of paternity executed on or after the effective date of this Act.
11 An acknowledgment of paternity executed before the effective date
12 of this Act is governed by the law in effect on the date the
13 acknowledgment is executed, and the former law is continued in
14 effect for that purpose.

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